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Tuesday  
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# Journal of Federal Register



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# Presidential Documents

**Title 3—****The President****Executive Order 12563 of September 12, 1986****Establishing an Emergency Board To Investigate a Dispute Between the Long Island Rail Road and Certain Labor Organizations Representing Its Employees**

A dispute exists between the Long Island Rail Road and certain of its employees represented by the labor organizations named on the list attached hereto and made a part hereof.

The dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended (the "Act").

A party empowered by the Act has requested that the President establish a second emergency board pursuant to Section 9A(e) of the Act.

Section 9A(e) of the Act provides that the President, upon such a request, shall appoint an emergency board to investigate and report on the dispute.

NOW, THEREFORE, by the authority vested in me by Section 9A(e) of the Act (45 U.S.C. § 159a(e)), it is hereby ordered as follows:

**Section 1. Establishment of Board.** There is hereby established a board of three members to be appointed by the President to investigate this dispute. No member shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier. The board shall perform its functions subject to the availability of funds.

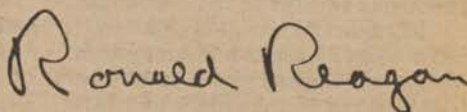
**Sec. 2. Report.**

(a) Within 30 days after creation of the board, the parties to the dispute shall submit to the board final offers for settlement of the dispute.

(b) Within 30 days after submission of final offers for settlement of the dispute, the board shall submit a report to the President setting forth its selection of the most reasonable offer.

**Sec. 3. Maintaining Conditions.** As provided by Section 9A(h) of the Act, from the time a request to establish a board is made until 60 days after the board makes its report, no change, except by agreement, shall be made by the parties in the conditions out of which the dispute arose.

**Sec. 4. Expiration.** The board shall terminate upon the submission of the report provided for in Section 2 of this Order.



THE WHITE HOUSE,  
September 12, 1986.

**LABOR ORGANIZATIONS**

ARASA Division, Brotherhood of Railway Airline and Steamship Clerks

Brotherhood of Locomotive Engineers

Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees

Brotherhood of Railway Carmen of the United States and Canada

Brotherhood of Railroad Signalmen



International Association of Machinists and Aerospace Workers, AFL-CIO  
International Brotherhood of Boilermakers and Blacksmiths  
International Brotherhood of Electrical Workers  
International Brotherhood of Firemen and Oilers  
National Transportation Supervisors Association  
Police Benevolent Association  
Sheet Metal Workers' International Association  
United Transportation Union  
United Transportation Union—Railroad Yardmasters of America Division

[FR Doc. 86-21085

Filed 9-15-86; 10:12 am]

Billing code 3195-01-M

Editorial note: For the White House announcement of Sept. 12 establishing Presidential Emergency Board 212, see the *Weekly Compilation of Presidential Documents* (vol. 22, no. 38).



# Rules and Regulations

Federal Register

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Tuesday, September 16, 1986

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 991

#### Hops of Domestic Production; Termination Order

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Termination order.

**SUMMARY:** This action terminates the Federal marketing order for hops grown in Washington, Oregon, Idaho, and California effective October 31, 1986, because the Secretary of Agriculture has determined that the order no longer tends to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended. Continuation of the order was not favored by the requisite number of producers in the regulated States who voted in a continuance referendum held August 11-23, 1986.

**EFFECTIVE DATE:** October 31, 1986.

**FOR FURTHER INFORMATION CONTACT:** Ronald L. Cioffi, Chief, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Washington, DC 20250 (202) 447-5697.

**SUPPLEMENTARY INFORMATION:** This action is governed by the provisions of section 8c(16)(A) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act."

The Department published an order in the Federal Register on July 1, 1985 (50 FR 26977) which stated that Marketing Order No. 991 (7 CFR Part 991), regulating the handling of domestically produced hops, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and all rules and regulations and supplementary orders thereunder would

be terminated effective December 31, 1985.

The Food Security Act of 1985, which was signed into law on December 23, 1985, provided that the Secretary may not terminate any marketing order under section 8c(16) of the Agricultural Adjustment Act (7 U.S.C. 608c(16)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, if such termination becomes effective before January 16, 1986. The Food Security Act also required the Secretary to give Congress 60-day notice of any such termination. Therefore, on February 10, 1986 (51 FR 4887), the Department published a notice of its determination that the hop marketing order remain in effect. Simultaneously, for reasons set forth in both the July 1, 1985, and February 10, 1986, documents, USDA reaffirmed its conclusion that the Hop Marketing Order then in effect had not achieved the statutory purposes of the act. Accordingly, the provisions of the order dealing with volume limitation, pooling, and transfers, and related administrative rules and regulations were suspended in accordance with the act. USDA also notified the Congress that the Secretary intended to terminate the hop marketing order after the waiting period prescribed by the Food Security Act of 1985 had elapsed.

For the reasons set forth in the July 1, 1985, termination order, which were reaffirmed in the February 10, 1986, suspension order, the Assistant Secretary terminated the volume control and allotment provisions of the order, and certain other provisions dealing with committee structure and the Hop Marketing Advisory Board, effective August 1, 1986 (51 FR 27400) because they did not effectuate the declared policy of the act.

Because of the significant restructuring of the order which resulted from the termination of the provisions specified above, the August 1, 1986, order also announced a referendum to be held August 11-23, 1986, to ascertain whether growers favored continuance of the remaining order. The provisions of the referendum order specified that approval by two-thirds of those voting, or by a majority of producers voting who represented two-thirds of the production volume voted, would be needed to confirm producer support for continuance. The referendum was held as announced.

Eighty-three percent of all hop growers (by number and volume of production) participated in the referendum. Of those voting, 56 percent of the growers, representing 53 percent of the production volume during a specified representative period, favored continuance of the hop marketing order.

Given the high level of grower participation, the results are a reliable indicator of grower sentiment, and clearly demonstrate that a significant portion of the producers do not favor continuance of the hop order. In the absence of substantial industry support, marketing order operations tend to be less effective. Experience in similar circumstances indicates that it often becomes difficult for marketing order committees to obtain the requisite majority of votes necessary to approve recommendations for implementing order authorities. Moreover, a committee may experience difficulty in obtaining compliance with order requirements from all handlers in such a circumstance. Such lack of effectiveness is recognized in the act in connection with the provisions for the adoption of new marketing orders and amendments to existing orders, which require that the Secretary determine that the issuance or amendment of an order is favored by two-thirds of the producers voting or by producers representing two-thirds of the volume of production. Given the demonstrated lack of producer support for the hop order and consistent with the intent of the Act, it is determined that it is no longer possible to achieve the objectives of the program.

Therefore, pursuant to section 8c(16)(A) of the act, it is found that Marketing Order No. 991, regulating the handling of hops of domestic production, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and all rules and regulations and supplementary orders heretofore issued thereunder and now effective obstruct or do not tend to effectuate the declared policy of the act, and are hereby terminated effective October 31, 1986. Such date is intended to avoid undue disruption of the hop marketing order because quality control provisions contained in the order have already been applied to some 1986 hops.

As provided in § 991.79 of the order, on and after the effective date hereof, the members of the Hop Administrative Committee shall, for the purpose of



liquidating the affairs of the committee, continue as trustees of all funds and property then in its possession or under its control, including claims for any funds unpaid or property not delivered at the time of such termination. However, in order to provide for an expeditious liquidation of committee operations, the terms of such trustees shall expire on December 31, 1986.

#### List of Subjects in 7 CFR Part 991

Marketing agreements and orders, Hops.

1. The authority citation for 7 CFR Part 991 continues to read:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

#### PART 991—[REMOVED]

2. Accordingly, 7 CFR Part 991 is removed.

Dated: September 10, 1986.

Kenneth A. Gilles

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 86-20858 Filed 9-15-86; 8:45 am]

BILLING CODE 3410-02-M

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 84-ANE-21; Amendment No. 39-5373]

**Airworthiness Directives; Allison Gas Turbine Division, General Motors Corp., Allison Models 250-C30 and 250-C30S Series Engines**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes existing Airworthiness Directive (AD) 84-24-02, Amendment 39-4957, 49 FR 48531, effective December 18, 1984, which applies to Model 250-C30 and -C30S engines installed in Sikorsky Model S-76A helicopters. This AD is needed to define the final corrective actions to further reduce the possibility of, and to provide improved protection against, uncontained gas producer turbine wheel failures of certain Allison Model 250-C30 Series engines installed in but not limited to, Sikorsky S-76A, Bell 206L-1, modified to incorporate the Allison 250-C30P engine, Bell 206L-3, and McDonnell Douglas Helicopter Company (Hughes) 369F and 369F Model aircraft.

**DATES:** Effective—October 3, 1986.

Compliance schedule—As prescribed in the body of the AD.

**Incorporation by Reference—**Approved by the Director of the Federal Register on October 3, 1986.

**ADDRESSES:** The applicable service information may be obtained from Allison Gas Turbine Division, General Motors Corp., P.O. Box 420, Indianapolis, Indiana 46206-0420; and Sikorsky Aircraft, Division of United Technologies Corp., North Main Street, Stratford, Connecticut 06601.

A copy of this information is contained in the Rules Docket at the Office of Regional Counsel, FAA, ATTN: Rules Docket No. 84-ANE-21, 12 New England Executive Park, Burlington, Massachusetts 01803, and may be examined weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m.

**FOR FURTHER INFORMATION CONTACT:** Mr. Royace H. Prather, Chicago Aircraft Certification Office, Propulsion Branch, ACE-140C, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018; telephone 312-694-7132.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations (FAR) to supersede existing AD 84-24-02, Amendment 39-4957, 49 FR 48531, effective December 18, 1984, was published in the Federal Register on January 17, 1986 (51 FR 2520). AD 84-24-02 currently requires engine inspections/modifications and incorporation of engine and aircraft energy absorption rings/shields to reduce the possibility of, and to provide additional protection against, uncontained gas producer turbine wheel failures of certain Allison Model 250-C30 and -C30S engines installed in Sikorsky Model S-76A helicopters.

The proposal was prompted by the need to supersede AD 84-24-02 with the final corrective actions to further reduce the possibility of, and to provide improved protection against, uncontained gas producer turbine wheel failures of Allison Model 250-C30 and -C30S engines installed in Sikorsky Model S-76A helicopters. The final corrective engine type design changes consist of incorporating a first stage turbine wheel internal energy absorbing ring and an increased strength second stage turbine wheel. The replacement second stage turbine wheel is designed not to fail in the event of an overspeed resulting from a disconnect between the compressor and gas producer turbine rotor.

Additionally, this final rule, based on similarity of type design, adds Model 250-C30 Series engines installed in other than Sikorsky Aircraft Model S-76A helicopters. A later compliance date

applies for these installations since they have not experienced an overspeed gas producer rotor uncontained failure.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Three comments were received. The first commenter concurred in the proposed action and highlighted that indepth consideration of operator impact had been given in establishing compliance milestones without compromising safety. The second and third commenters concurred in the proposed action. Accordingly, the proposal is adopted without any technical changes. A minor administrative revision to clarify acceptability of the initial issue or Revision 1 to Allison Commercial Engine Alert Bulletin CEB-A-72-3124 has been made to the final rule for the purposes of installing the first stage turbine wheel external energy absorbing rings. The engine manufacturer in Revision 1 added an inspection of the first stage turbine wheel external energy absorbing ring turbine mount link P/N 23031441 for misalignment and mounting bracket P/N 23031446 for cracks at intervals of 25 hours time-in-service. While the FAA concurs with the desirability of this inspection, it is not made mandatory by this AD.

#### Conclusion

The FAA has determined that this regulation involves 400 aircraft, and that the engine manufacturer is providing the replacement parts and additional manhours required at the next turbine repair/overhaul at no cost? to the operators. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, Incorporation by reference.

#### Adoption of the Amendment

#### PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Regulations (FAR) as follows:



1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new airworthiness directive (AD):

**Allison Gas Turbine Division, General Motors Corp.** (Allison, formerly Detroit Diesel Allison): Applies to Model 250-C30 Series engines installed in, but not limited to, Sikorsky Model S-76A, Bell Models 206L-1, modified to incorporate the Allison 250-C30 engine, and 206L-3, and McDonnell Douglas Helicopter Company (Hughes) Models 369F and 369FF aircraft.

**Sikorsky Aircraft:** Applies to Sikorsky Aircraft Model S-76A helicopters certificated in any category and equipped with Allison Model 250-C30 and -C30S engines.

Compliance is required as indicated unless already accomplished.

To prevent conditions that can lead to a possible gas producer turbine rotor uncontained failure and to prevent critical secondary damage in the event of a gas producer turbine rotor uncontained failure, accomplish the following:

Note.—Paragraphs (a)(1) thru (a)(3) of this AD are equivalent to the technical requirements of AD 84-24-02 which is superseded by this AD. Paragraphs (a)(4) and (b) delineate final corrective actions for all Model 250-C30 Series engines to prevent the above described failure/secondary damage.

(a) Allison Model 250-C30 and -C30S engines installed in Sikorsky Aircraft Model S-76A helicopters—

(1) Within the next 30 days after December 18, 1984, for aircraft in compliance with telegraphic AD (TAD) T84-16-51, and prior to further flight for aircraft not in compliance with TAD T84-16-51, perform the following:

(i) Install the Sikorsky Model S-76A helicopter engine compartment protective shields, P/N 76070-20077-013 or P/N 76070-20077-014, in accordance with Sikorsky Alert Service Bulletin (ASB) 76-71-7 dated November 9, 1984, or FAA-approved equivalent; and concurrently,

(ii) Install Allison first stage turbine wheel external energy absorbing rings, P/N 23031910, L.H. and 23031920, R.H., around the Allison Model 250-C30 and -C30S engines in accordance with Allison Commercial Engine Alert Bulletin CEB-A-72-3124 initial issue dated November 15, 1984, or Revision 1 dated December 16, 1985, and prerequisite CEB-A-72-3125 dated November 15, 1984, and Sikorsky ASB 76-71-7 dated November 9, 1984, or FAA-approved equivalents; or, install an Allison first stage turbine wheel internal energy absorbing ring P/N 23031909, or P/N 23032263, or FAA-approved equivalent, in accordance with Allison Commercial Engine Alert Bulletin CEB-A-72-3128 initial issue dated November 15, 1984, or Revision 1 dated September 30, 1985, and Sikorsky ASB 76-71-7 dated November 9, 1984, or FAA-approved equivalents.

Note.—The engine manufacturer in Revision 1 dated December 16, 1985, to

Allison CEB-A-72-3124 added an inspection of the first stage turbine wheel external energy absorbing ring turbine mount link P/N 23031441 for misalignment and mounting bracket P/N 23031446 for cracks at intervals of 25 hours time-in-service. While the FAA concurs with the desirability of this inspection, it is not made mandatory by this AD.

(2) Within the next 25 hours time-in-service after compliance with (a), above, and thereafter at intervals not to exceed 25 hours time-in-service, inspect the Sikorsky Model S-76A helicopter engine compartment protective shields in accordance with Chapter 5 of Sikorsky Airworthiness and Inspection Requirements Manual, Publication No. SA 4047-76-2-1 dated November 12, 1984, or FAA-approved equivalent.

(3) At the next engine repair/overhaul shop visit after December 18, 1984, but not later than November 30, 1986, update the engines to the "Allison Assured Engine" configuration and continue to maintain in accordance with Allison Commercial Service Letter, CSL-3068 initial issue dated October 1, 1984, or CSL-3068, Revision 1, dated September 30, 1985, or FAA-approved equivalent with the following exception to the November 30, 1986 compliance deadline:

At the next engine repair/overhaul shop visit after December 18, 1984, but not later than March 30, 1986, inspect and modify the 29-34 labyrinth seal for engines with more than 100 hours time-in-service since turbine overhaul or repair, in accordance with Allison CEB-A-72-3127, Revision 2, dated April 3, 1985, or prior issues and CEB-A-72-3131, Revision 1, dated April 22, 1985, or initial issue, respectively, or FAA-approved equivalents.

Note.—The date November 30, 1986, that appears in paragraph 4B and 8 of Allison Commercial Service Letter CSL-3068, Revision 1, dated September 30, 1985, should read March 30, 1986.

(4) At the next turbine repair/overhaul shop visit after the effective date of this AD, but not later than November 30, 1986, perform the following:

(i) Install first stage turbine wheel internal energy absorbing ring P/N 23031909, or P/N 23032263, or FAA-approved equivalent, in accordance with Allison CEB-A-72-3128, Revision 1, dated September 30, 1985, or initial issue, or FAA-approved equivalent.

(ii) Replace existing second stage turbine wheel P/N 6892762, or P/N 689822, or P/N 23004233 with P/N 23032280, or FAA-approved equivalent, in accordance with Allison CEB-A-72-3132, dated February 1, 1985, or FAA-approved equivalent.

(iii) Remove engine external energy absorbing ring P/N 23001910, L.H. or P/N 23001920, R.H., as appropriate, in accordance with Allison CEB-72-3136 dated July 31, 1985, or FAA-approved equivalent.

(iv) The Sikorsky Model S-76A helicopter engine compartment protective shields, P/N 76070-20077-013, or P/N 76070-20077-014, may be removed in accordance with Sikorsky Customer Service Notice No. 76-158 dated January 14, 1985, after compliance with Paragraphs (a)(4)(i), (ii), and (iii) above.

Note.—The engine containment configurations 1 thru 4, and authorized

configuration mixes listed in Appendix 1 of Sikorsky Customer Service Notice No. 76-158 dated January 14, 1985, continue to be FAA-approved until November 30, 1986; after this date only configurations 3 and 4 are authorized per Paragraphs (a)(1)(i) and (a)(4) of this AD for Allison Model 250-C30 and -C30S/Sikorsky Models S-76A installations.

(b) Allison Model 250-C30, -C30L, -C30M, -C30P, and -C30S engines installed in aircraft other than Sikorsky Aircraft Model S-76A helicopters—

At the next turbine repair/overhaul shop visit after the effective date of this AD, but not later than November 30, 1987, perform the following:

(1) Install first stage turbine wheel internal energy absorbing ring P/N 23031909, or P/N 23032263, or FAA-approved equivalent, in accordance with Allison CEB-A-72-3128, Revision 1, dated September 30, 1985, or initial issue, or FAA-approved equivalent.

(2) Replace existing second stage turbine wheel P/N 6892762, or P/N 689822, or P/N 23004233 with P/N 23032280, or FAA-approved equivalent, in accordance with Allison CEB-A-72-3137, Revision 1, dated May 3, 1985, or initial issue, or FAA-approved equivalent.

Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Chicago Aircraft Certification Office, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Chicago Aircraft Certification Office may adjust the compliance time specified in this AD.

The manufacturers' specifications and procedures, identified and described in this document, are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1): Sikorsky Alert Service Bulletin 76-71-7 dated November 9, 1984

Sikorsky Airworthiness Limitations and Inspection Requirements Manual (Chapter 5 Time Limits/Maintains Checks) Publication No. SA 4047-76-2-1 dated November 12, 1984

Sikorsky Customer Service Notice 76-158 dated January 14, 1985

Allison CSL-3068, Rev. 1, dated September 30, 1985

Allison CSL-A-3062, Rev. 1, dated January 15, 1985

Allison CSL-A-3066, Rev. 1, dated January 15, 1985

Allison CEB-A-72-3124, Rev. 1, dated December 16, 1985

Allison CEB-A-72-3125 dated November 15, 1984

Allison CEB-A-72-3127, Rev. 2, dated April 3, 1985

Allison CEB-A-72-3128, Rev. 1, dated September 30, 1985

Allison CEB-A-72-3131, Rev. 1, dated April 22, 1985

Allison CEB-A-72-3132 dated February 1, 1985

Allison CEB-72-3136 dated July 31, 1985



Allison CEB-A-72-3137, Rev. 1, dated May 3, 1985

All persons affected by this directive who have not already received these documents from the manufacturers may obtain copies upon request to Allison Gas Turbine Division, General Motors Corp., P.O. Box 420, Indianapolis, Indiana 46206-0420; and Sikorsky Aircraft, Division of United Technologies Corp., North Main Street, Stratford, Connecticut 06601. These documents also may be examined at the Office of Regional Counsel, FAA, ATTN: Rules Docket No. 84-ANE-21, 12 New England Executive Park, Burlington, Massachusetts 01803, weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m.

This amendment supersedes AD 84-24-02, Amendment 39-4957, 49 FR 48531, effective December 18, 1984.

This amendment becomes effective on October 3, 1986.

Issued in Burlington, Massachusetts, on July 30, 1986.

Clyde DeHart, Jr.,

Acting Director, New England Region.

Issued in Fort Worth, Texas, on August 11, 1986.

C.R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 86-20816 Filed 9-15-86; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Part 97

[Docket No. 25072; Amdt. No. 1329]

### Standard Instrument Approach Procedures; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** Effective: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

#### For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

#### For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

#### By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

#### FOR FURTHER INFORMATION CONTACT:

Donald K. Funai, Flight Procedures Standards Branch (AFS-230), Air Transportation Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-8277.

**SUPPLEMENTARY INFORMATION:** This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the *Federal Register* expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic

depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.



**List of Subjects in 14 CFR Part 97**

Approaches, Standard instrument, Incorporation by reference.

Issued in Washington, DC, on September 5, 1986.

John S. Kern,

Director of Flight Standards.

**Adoption of the Amendment****PART 97—[AMENDED]**

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.M.T. on the dates specified, as follows:

1. The authority citation for Part 97 continues to read as follows:

**Authority:** 49 U.S.C. 1348, 1354(a), 1421, and 1510; 49 U.S.C. 106(g) (revised, Pub. L. 97-449, January 12, 1983; and 14 CFR 11.49(b)(2)).

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

... Effective October 23, 1986

Alabaster, AL—Shelby County, VOR-A, Amdt. 6  
Bessemer, AL—Bessemer, VOR RWY 5, Amdt. 4  
Bessemer, AL—Bessemer, NDB RWY 5, Amdt. 2  
Nenana, AK—Nenana Muni, NDB-A, Amdt. 2  
Batesville, AR—Batesville Regional, SDF RWY 7, Amdt. 5  
Batesville, AR—Batesville Regional, NDB RWY 7, Amdt. 4  
Denver, CO—Jeffco, ILS RWY 29R, Amdt. 9  
Denver, CO—Jeffco, RNAV RWY 29R, Amdt. 8  
Fort Pierce, FL—St Lucie County Intl, VOR/DME RWY 14, Amdt. 6  
Vero Beach, FL—Vero Beach Muni, VOR RWY 11R, Amdt. 12  
Vero Beach, FL—Vero Beach Muni, VOR/DME RWY 29L, Amdt. 2  
Montezuma, GA—Dr. C P Savage Sr., NDB RWY 18, Orig.  
Lincoln, IL—Logan County, NDB RWY 21, Amdt. 4  
Covington/Cincinnati, OH, KY—Greater Cincinnati Intl, ILS RWY 27L, Amdt. 8  
Covington/Cincinnati, OH, KY—Greater Cincinnati Intl, ILS RWY 36, Amdt. 31  
Falmouth, KY—Gene Snyder, VOR/DME-A Orig.  
Flemingsburg, KY—Fleming-Mason, VOR/DME-A, Amdt. 2  
Flemingsburg, KY—Fleming-Mason, NDB RWY 25, Amdt. 3  
Lexington, KY—Blue Grass, ILS RWY 22, Amdt. 8

Rangeley, ME—Rangeley Muni, NDB-A, Orig.  
Jackson, MI—Jackson County-Reynolds Field, VOR RWY 6, Amdt. 17  
Jackson, MI—Jackson County-Reynolds Field, VOR RWY 14, Amdt. 16  
Jackson, MI—Jackson County-Reynolds Field, VOR RWY 24, Amdt. 18  
Jackson, MI—Jackson County-Reynolds Field, VOR RWY 32, Amdt. 15  
Jackson, MI—Jackson County-Reynolds Field, NDB RWY 24, Amdt. 11  
Jackson, MI—Jackson County-Reynolds Field, ILS RWY 24, Amdt. 11  
Mackinac Island, MI—Mackinac Island, VOR/DME-A, Amdt. 7  
Marquette, MI—Marquette County, VOR RWY 8, Amdt. 1  
Marquette, MI—Marquette County, VOR RWY 26, Amdt. 1  
Marquette, MI—Marquette County, LOC BC RWY 26, Amdt. 7  
Marquette, MI—Marquette County, ILS RWY 8, Amdt. 8  
Jackson, MS—Allen C Thompson Field, VOR or TACAN RWY 15L, Amdt. 2  
Jackson, MS—Allen C Thompson Field, NDB RWY 15L, Amdt. 3  
Jackson, MS—Allen C Thompson Field, ILS RWY 15L, Amdt. 6  
Reno, NV—Reno Cannon Intl, LOC-1 RWY 16R Amdt. 4, Cancelled  
Reno, NV—Reno Cannon Intl, LOC-2 RWY 16R Amdt. 4  
Reno, NV—Reno Cannon Intl, NDB RWY 16R Amdt. 4  
Reno, NV—Reno Cannon Intl, ILS RWY 16R Amdt. 8  
Valley City, ND—Barnes County Muni, NDB RWY 31, Amdt. 2  
Obyan, N Mariana Islands—Saipan Intl, NDB RWY 7, Amdt. 3  
Obyan, N Mariana Islands—Saipan Intl, NDB/DME RWY 7, Amdt. 1  
Obyan, N Mariana Islands—Saipan Intl, NDB/DMF RWY 25, Amdt. 1  
Obyan, N Mariana Islands—Saipan Intl, ILS/DME RWY 7, Amdt. 2  
Batavia, OH—Clemont County, VOR-B, Amdt. 3  
Georgetown, OH—Brown County, NDB RWY 35, Amdt. 2  
Hamilton, OH—Hamilton-Fairfield, NDB-A, Amdt. 11, Cancelled  
Prague, OK—Prague Muni, NDB RWY 17, Orig.  
Corvallis, OR—Corvallis Muni VOR/DME RWY 17, Amdt. 6  
Corvallis, OR—Corvallis Muni, VOR/DME RWY 35, Amdt. 9  
Corvallis, OR—Corvallis Muni, VOR-A, Amdt. 8  
Corvallis, OR—Corvallis Muni, LOC RWY 17, Amdt. 3, Cancelled  
Corvallis, OR—Corvallis Muni, ILS RWY 17, Orig.  
San Marcos, TX—San Marcos Muni, VOR/DME-A, Amdt. 2  
San Marcos, TX—San Marcos Muni, NDB RWY 12, Amdt. 1  
Moab, UT—Canyonlands Field, VOR/DME RWY 33, Amdt. 2, Cancelled  
Moab, UT—Canyonlands Field, VOR-A, Amdt. 8  
Salt Lake City, UT—Salt Lake City Intl, RADAR-1, Amdt. 15, Cancelled  
Salt Lake City, UT—Salt Lake City Muni 2, RADAR-2, Orig., Cancelled

... Effective September 25, 1986

Chicago, IL—Chicago-O'Hare Intl, NDB RWY 14R, Amdt. 21  
Chicago, IL—Chicago-O'Hare Intl, ILS RWY 14R, Amdt. 28

... Effective August 29, 1986

Richmond, KY—Madison, RNAV RWY 36, Amdt. 4

... Effective August 28, 1986

Oxnard, CA—Oxnard, VOR RWY 7, Amdt. 12  
St. Louis, MO—Lambert-St Louis Intl, LDA/DME RWY 12L, Amdt. 2  
Union City, TN—Everett-Stewart, SDF RWY 1, Amdt. 3  
Union City, TN—Everett-Stewart, NDB RWY 1, Amdt. 3

... Effective August 27, 1986

Sparta, TN—Sparta-White County, SDF RWY 4, Amdt. 1  
Sparta, TN—Sparta-White County, NDB RWY 4, Amdt. 1

... Effective July 3, 1986

Nampa, ID—Nampa Muni, NDB RWY 11, Amdt. 2

[FR Doc. 86-20817 Filed 9-15-86; 8:45 am]

BILLING CODE 4910-13-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 14 CFR Part 1203

#### Information Security Program

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Final rule.

**SUMMARY:** NASA is amending 14 CFR Part 1203 by revising Subpart 1203.I, "NASA Information Security Program Committee." This revision makes organizational title changes in § 1203.900 and adds the Associate Administrator for Space Station to the membership in § 1203.902.

**EFFECTIVE DATE:** September 16, 1986.

**ADDRESS:** NASA Security Office, Code NIS, NASA Headquarters, Washington, DC 20545.

**FOR FURTHER INFORMATION CONTACT:** Erwin V. Minter, (202) 453-2944.

**SUPPLEMENTARY INFORMATION:** Since this action is internal and administrative in nature and does not affect the existing regulations, notice and public comment are not required.

The National Aeronautics and Space Administration has determined that:

1. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, since it will not exert a significant economic impact on a substantial number of small entities.



2. This rule is not a major rule as defined in Executive Order 12291.

#### List of Subjects in 14 CFR Part 1203

Classified information, Foreign relations.

### PART 1203—INFORMATION SECURITY PROGRAM

For reasons set out in the Preamble, 14 CFR Part 1203 is amended by revising Subpart I to read as follows:

#### Subpart I—NASA Information Security Program Committee

Sec.

- 1203.900 Establishment.
- 1203.901 Responsibilities.
- 1203.902 Membership.
- 1203.903 Ad hoc committees.
- 1203.904 Meetings.

Authority: 42 U.S.C. 2473; E.O. 12356.

#### Subpart 1203.I—NASA Information Security Program Committee

##### § 1203.900 Establishment.

Pursuant to Executive Order 12356, "National Security Information," and the National Aeronautics and Space Act of 1958, as amended, there is established a NASA Information Security Program Committee (hereinafter referred to as the Committee) as part of the permanent administrative structure of NASA. The Director, Governmental Affairs Division, is designated to act as the Chairperson of the Committee. The Head, Classification Management and Physical Security Section, NASA Security Office, is designated to act as the Committee Executive Secretary.

##### § 1203.901 Responsibilities.

(a) The Chairperson reports to the Administrator concerning the management and direction of the NASA Information Security Program as provided for in Subpart B of this part. In this connection, the Chairperson is supported and advised by the Committee.

(b) The Committee shall act on all appeals from denials of declassification requests and on all suggestions and complaints with respect to administration of the NASA Information Security Program as provided for in Subpart B of this part.

(c) The Executive Secretary of the Committee shall maintain all records produced by the Committee, its subcommittees, and its ad hoc panels.

(d) The NASA Security Office, NASA Headquarters, will provide staff assistance and support services for the Committee.

##### § 1203.902 Membership.

The Committee will be comprised of the Chairperson, Executive Secretary, and one member designated by each of the following NASA officials. Other members may be designated upon specific request of the Chairperson.

- (a) Associate Administrators for:
  - (1) Aeronautics and Space Technology.
  - (2) Space Science and Applications.
  - (3) Space Flight.
  - (4) Space Station.
  - (5) Space Tracking and Data Systems.
  - (6) Management.
  - (7) External Relations.
- (b) Associate Deputy Administrator.
- (c) General Counsel.

##### § 1203.903 Ad hoc committees.

The Chairperson is authorized to establish such ad hoc panels or subcommittees as may be necessary in the conduct of the Committee's work.

##### § 1203.904 Meetings.

(a) Meetings will be held at the call of the Chairperson.

(b) Records produced by the Committee and the minutes of each meeting will be maintained by the Executive Secretary.

James C. Fletcher,  
Administrator.

[FR Doc. 86-20844 Filed 9-15-86; 8:45 am]

BILLING CODE 7510-01-M

### DEPARTMENT OF ENERGY

#### Federal Energy Regulatory Commission

##### 18 CFR Part 389

[Docket No. RM83-57-000]

#### Electric Utilities Payments for Benefits From Headwater Improvements

Issued: September 12, 1986.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Final rule; notice of OMB control number.

**SUMMARY:** On June 24, 1986, the Federal Energy Regulatory Commission issued a final rule in Docket No. RM83-57-000, 51 FR 24308 (July 3, 1986), establishing procedures for determining and assessing the headwater benefits payments that are required to be made by certain beneficiaries of upstream headwater projects, pursuant to Section 10(f) of the Federal Power Act, 16 U.S.C. 803(f) (1982). The rule also establishes procedures by which parties subject to a headwater benefits determination report to the Commission project-specific data.

This notice states the OMB control number for § 11.16 promulgated in this docket and identifies other reporting sections that were removed or redesignated under the final rule.

**DATE:** This rule becomes effective September 16, 1986.

**FOR FURTHER INFORMATION CONTACT:** Janet L. Oakley, Federal Energy Regulatory Commission, Office of the General Counsel, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357-5769.

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act, 44 U.S.C. 3501-3502 (1982), and the Office of Management and Budget's (OMB) regulations, 5 CFR Part 1320 (1983), require that OMB approve certain information collection requirements imposed by agency rules. On August 27, 1986, the OMB approved the information collection requirements of § 11.16 and issued Control Number 1902-0087 for this section. Therefore, the final rule in Docket No. RM83-57-000 will become effective September 16, 1986.

Accordingly, Title 18, Chapter I, Part 389, *Code of Federal Regulations*, is amended as set forth below:

1. The authority citation for Part 389 continues to read as follows:

Authority: Paperwork Reduction Act of 1980, 44 U.S.C. 3501-3502 (1982).

##### § 389.101 [Amended]

2. The Table of OMB Control Numbers in § 389.101(b) is amended by removing "11.26", "11.31", and "13.1", currently listed in the section column, and by removing the corresponding OMB Control Numbers listed for these items in the OMB Control Number column.

3. The Table of OMB Control Numbers in § 389.101(b) is amended by inserting "11.16" in numerical order in the section column and "0087" in the corresponding position in the OMB Control Number column.

4. The Table of OMB Control Numbers in § 389.101(b) is further amended by inserting in numerical order in the section column the following: "11.03(c)" in lieu of "11.22(c)"; "11.03(d)" in lieu of "11.22(d)"; and "11.04(b)" in lieu of "11.23(b)". The corresponding OMB Control Number, which is 0136 for each of these redesignated sections as it currently appears in the OMB Control Number column, remains the same for these redesignated items.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 86-20940 Filed 9-15-86; 8:45 am]

BILLING CODE 6717-01-M



**DEPARTMENT OF JUSTICE****Parole Commission****28 CFR Part 2****Paroling, Recommitting and Supervising Federal Prisoners****AGENCY:** United States Parole Commission.**ACTION:** Final rule.

**SUMMARY:** The United States Parole Commission is making procedural clarifications and revisions to its rules at 28 CFR 2.26 (Appeal to National Appeals Board), 2.50 (Revocation Hearing Procedure) and 2.56 (Disclosure of Parole Commission Regional Office File). The amendment to 28 CFR 2.26 provides that only new information and materials be included in the exhibits attached to an administrative appeal; duplicative items will not be retained by the Commission. The change to 28 CFR 2.50 provides for the advance disclosure of materials to be considered at institutional revocation hearings and the revision to 28 CFR 2.56 involves a change to the particular Department of Justice regulation referenced therein.

**EFFECTIVE DATE:** October 16, 1986.**FOR FURTHER INFORMATION CONTACT:**

Alan J. Chaset, Deputy Director of Research and Program Development, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, Telephone (301) 492-5980.

**SUPPLEMENTARY INFORMATION:** The U.S. Parole Commission is making procedural changes to three of its rules related to the submission and disclosure of materials and information considered by the Commission.

First, the Commission has been experiencing problems in reviewing cases because of the increasing number of items contained within the case files. Often, duplicative copies of documents, reports and other exhibits included already in the file are forwarded anew as attachments to administrative appeals. In an effort to enhance the appeals process by making the files more orderly and less cumbersome, the Commission is amending its rules to require that only exhibits containing new information not already in the files are to be attached to administrative appeals. Any duplicative items so forwarded will not be retained by the Commission. The rules governing administrative appeals are at 28 CFR 2.26.

Second, the Commission is amending its disclosure procedures for institutional revocation hearings to make them parallel the disclosure procedures used at local revocation hearings. Presently at institutional revocation hearings, disclosure of relevant documents and materials is made by the hearing examiners to the

parolee at the hearing itself. For local revocation hearings, the parolee is given copies of the documents to be used at the hearing in advance of that proceeding. Pursuant to the change being made at 28 CFR 2.50, all parolees will be given advance copies of the documents to be considered at both types of revocation hearings.

Finally, 28 CFR 2.56(f) contains the rules related to reproduction (photocopying) costs associated with the disclosure to prisoners and parolees of records contained in regional office files. Within that subsection is a parenthetical reference to a fee schedule set forth in the Department of Justice Regulations at 28 CFR 16.47. The Commission is changing that reference from 28 CFR 16.47 (regulation regarding Privacy Act disclosures) to 28 CFR 16.10 (regulations regarding Freedom of Information Act disclosures) to conform with amendments previously made to 28 CFR 2.56.

These rule changes will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

**Lists of Subjects in 28 CFR Part 2**

Administrative practice and procedure, Prisoners, Probation and parole.

**PART 2—[AMENDED]**

28 CFR Part 2 is amended as follows:

1. The authority citation for 28 CFR Part 2 continues to read:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

2. 28 CFR 2.26, *Appeal to National Appeals Board*, is amended by adding the following sentences at the end of paragraph (a) to read as follows:

**§ 2.26 Appeal to National Appeals Board.**

(a) \* \* \* No exhibits are to be attached to an administrative appeal unless the documents therein contain new information and materials not already in the possession of the Commission. Any submitted exhibits which are copies of material already in the Commission's files will not be retained by the Commission.

3. 28 CFR 2.50, *Revocation Hearing Procedure*, is amended by revising paragraph (d) to read as follows:

**§ 2.50 Revocation hearing procedure.**

(d) All evidence upon which the finding of violation may be based shall be disclosed to the alleged violator at or before the revocation hearing. The hearing officer or examiner panel may disclose documentary evidence by permitting the alleged violator to



examine the document during the hearing, or where appropriate, by reading or summarizing the document in the presence of the alleged violator.

4. 28 CFR § 2.56, *Disclosure of Parole Commission Regional Office File*, is amended by revising paragraph (f) to read as follows:

**§ 2.56 Disclosure of Parole Commission Regional Office File.**

(f) *Costs.* In any case in which reproduction costs equal or exceed \$3.00 (based upon the provisions and fee schedules set forth in the Department of Justice Regulation at 28 CFR § 16.10), prisoners will be notified that they will be required to reimburse the United States for such reproduction costs. The Regional Commissioner may require payment in advance of making a disclosure in circumstances where deemed necessary.

Dated: August 20, 1986.

Benjamin F. Baer,

Chairman, U.S. Parole Commission.

[FR Doc. 86-20834 Filed 9-15-86; 8:45 am]

BILLING CODE 4410-01-M

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 216**

[Docket No. 60742-6168]

**Taking and Importing of Marine Mammals**

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Interim Rule.

**SUMMARY:** NOAA issues this rule prohibiting U.S. flag tuna purse seine vessels from catching, possessing, or landing yellowfin tuna or bigeye tuna from the eastern tropical Pacific Ocean (ETP) after the allowable incidental mortality quota for porpoise has been reached and fishing on porpoise is prohibited. Vessels which voluntarily carry a NMFS observer who verifies compliance with the prohibition on fishing on porpoise are not subject to the prohibitions on fishing for, possessing and landing yellowfin and bigeye tuna. Once domestic vessels are restricted, imports of yellowfin and bigeye tuna also are prohibited from nations whose flag vessels fish in the ETP, unless certain conditions are met that demonstrate that the tuna was not taken by fishing on porpoise during the closure. These actions are intended to prevent further porpoise mortalities during the quota year which ends December 31, 1986, and to facilitate enforcement.

**EFFECTIVE DATE:** September 11, 1986, until July 1, 1987. Comments must be received on or before September 30, 1986.

**ADDRESS:** Comments may be mailed to the Assistant Administrator for Fisheries, National Marine Fisheries Service, NOAA, Department of Commerce, Washington, DC 20235.

**FOR FURTHER INFORMATION CONTACT:** E. Charles Fullerton, Director, Southwest Region, NMFS (213) 514-6196, or Robert B. Brumsted, Acting Director, Office of Protected Species and Habitat Conservation, NMFS (202) 673-5350.

**SUPPLEMENTARY INFORMATION:**

**Background**

Purse seine fishing for yellowfin tuna in the ETP is conducted mainly in association with porpoise. Schools of large yellowfin tuna tend to swim beneath herds of porpoise. During the fishing operation, porpoise are searched for, herded by speedboats, surrounded by the seine, and released over the net while tuna remain captured. Porpoise may become entangled in the net and drown before they are released. This type of fishing operation is prohibited by the Marine Mammal Protection Act (MMPA) except when conducted under the General Permit issued to the American Tunaboat Association and in compliance with the applicable regulations.

Under the MMPA there is an annual quota of 20,500 porpoise that may be killed incidentally in the U.S. tuna purse seine fishery. To protect porpoise, regulations (50 CFR Part 216.24) establish the basic equipment and procedural requirements on vessels used in tuna fishing. Among other things, these regulations require that tuna purse seine vessels and vessel operators wishing to catch tuna in association with porpoise must obtain certificates of inclusion under the General Permit held by the American Tunaboat Association and carry observers on a schedule set by the NMFS. Data collected by these observers are used to estimate the fleet's total porpoise kill, to contribute to scientific research, and to determine compliance with regulations. Under normal circumstances, between one-third and one-half of the vessel trips carry observers. Since June 29, 1986, NMFS has increased observer coverage to about 70-80 percent of the vessels currently at sea.

Based on observer reports through August 22, 1986, the kill was 18,067 porpoise. At the expected level of fleet activity, the quota will likely be reached in September, leaving three months in 1986 during which setting on porpoise to catch tuna will be prohibited.

When the quota is reached under current regulations, all fishing on



porpoise must cease. Now the primary means of ensuring that porpoise fishing does not continue once the quota is reached is that the tuna purse seine vessels are not allowed to carry more than two speedboats. Normally four to six speedboats are used for herding porpoise so the purse seine can encircle them and the tuna beneath. It has been determined that two speedboats are insufficient for this type of operation and so a vessel with two or fewer speedboats is considered incapable of fishing on porpoise.

The effectiveness of the current rule has been diminished because the U.S. tuna fleet no longer begins and ends fishing trips in southern California exclusively. The fleet initiates trips from Los Angeles, San Diego, American Samoa, or the Republic of Panama and delivers fish to Los Angeles, American Samoa, Guam, Puerto Rico, and Thailand, and there is little opportunity to observe vessels at the beginning and at the end of a fishing trip to ensure that no more than the two speedboats are aboard. Surveillance at sea from aircraft or vessels would be extremely expensive, difficult to stage, and unlikely to sight violations because of the vast area to be covered (5 million square miles).

When fishing on porpoise is prohibited for U.S. fishermen, fish harvested in that manner no longer can be imported under section 102(c)(3) of the MMPA.

#### Description of Regulatory Provisions

When the porpoise quota is reached, catching, possessing or landing yellowfin and bigeye tuna from U.S. flag purse seine vessels greater than 400 net tons that included the ETP as a part of a fishing trip will be prohibited. Vessels which voluntarily carry a NMFS observer will be exempt from these prohibitions if the observer verifies that the tuna vessel did not set on porpoise after the quota is reached. This restriction will be effective when the porpoise quota is reached and will apply to all trips started before January 1, 1987.

The importation of yellowfin and bigeye tuna in any form from nations from which such imports currently are authorized also will be prohibited unless certain conditions are met. This additional prohibition will take effect when the porpoise quota is reached and will continue until July 1, 1987. Under existing regulations (50 CFR Part 216.24(e)(5)), a finding by the NOAA Assistant Administrator for Fisheries that fishing operations in a nation conform generally to the U.S. standards is required for the importation of tuna from nations whose vessels fish in the ETP. A country that has vessels fishing

in the ETP but does not have a finding in effect is embargoed and cannot import yellowfin tuna into the United States, even if it complies with the documentation requirements of this rule.

Under this rule shipments of yellowfin and bigeye tuna will be allowed to enter after the quota has been reached only if they are accompanied by a letter of authorization from NMFS. NMFS will issue the letter of authorization if the appropriate official of the government of the nation whose vessels harvested the tuna certifies that: the product was in a bonded warehouse when the porpoise prohibition became effective; or that the vessel which caught the tuna did not fish on porpoise during the closure period, as verified by a government-approved observer; or that the tuna was caught outside of the ETP; or that the tuna was taken on a trip that started after January 1, 1987.

The restriction on yellowfin and bigeye tuna catches, possession, or landings will ensure that fishing on porpoise by U.S. vessels ceases when the quota is reached. During 1984-1986, approximately 90 percent of the yellowfin tuna on NMFS observed trips were caught by fishing on porpoise. Yellowfin tuna associated with porpoise tend to be larger than those caught by fishing for tuna schools alone or associated with floating debris (often referred to as log fishing). Canneries pay higher prices for larger tuna and, since yellowfin tuna prices have been generally very low this year, fishermen have a strong incentive to concentrate their effort on porpoise. The prices for tuna are not expected to change substantially through the end of 1986. Consequently, the incentive to fish on porpoise for yellowfin will continue. Prohibiting landing of yellowfin and bigeye tuna, unless a NMFS observer verifies that no porpoise sets were made, eliminates the ability to profit from illegal porpoise sets.

Bigeye tuna is included in this rule because it is difficult to distinguish from yellowfin tuna and enforcement effectiveness would be compromised without its inclusion. Bigeye tuna generally is taken in mixed catches and constitutes an insignificant portion of the total tuna catch. As with yellowfin tuna, bigeye tuna can be taken in sets on school fish or on logs under this regulation if an observer is on board.

As of the date that U.S. fishermen can no longer fish on porpoise, imports of yellowfin and bigeye tuna caught on porpoise are prohibited under the MMPA. Section 102(c)(3) of the MMPA states:

It is unlawful to import into the United States any of the following:

\* \* \* \* \*



(3) Any fish, whether fresh, frozen or otherwise prepared, if such fish was caught in a manner which the Secretary has proscribed for persons subject to the jurisdiction of the United States, whether or not any marine mammals were in fact taken incident to the catching of the fish.

To enforce this prohibition, but allow the importation of tuna that is not caught on porpoise, the rule subjects imports to basically the same restrictions as domestically caught tuna. The import restriction remains in effect until July 1, 1987, to deter stockpiling of tuna caught during the closure period for importation after the U.S. fleet restrictions are lifted on January 1, 1987.

Only nations with findings under § 216.24(e)(5) are subject to this import restriction because nations without such findings either do not fish in the ETP or are already prohibited from importing tuna. It is not intended that nations whose flag vessels do not fish in the ETP be subject to this restriction. This regulatory action does not alter the status of nations whose tuna products are embargoed currently.

#### Classification

The NMFS has determined that this rule will result in no significant impacts on the environment other than those already discussed in the final environmental impact statement (EIS) on Proposed Amendments to the Regulations Governing the Taking of Marine Mammals Associated with Tuna Purse Seining Operations, published in December 1985, and the environmental assessment on yellowfin tuna importation released in August 1986. Therefore, this action does not require the preparation of additional documentation. Copies of these documents may be obtained by writing to NMFS (see ADDRESS).

This emergency rule is exempt from the normal review procedures of Executive Order 12291 as provided in section 8(a)(1) of that Order. This rule is being reported to the Director of the Office of Management and Budget, with an explanation of why it is not possible to follow the procedures of that Order. The reasons why there is not time to follow the procedures of the Executive Order are discussed below.

Due to the potential adverse effects discussed below and the confusion which would result from not issuing final regulations before the porpoise quota is reached, NMFS finds that it is impracticable and contrary to the public interest to provide notice and an opportunity to comment on or to delay for 30 days the effective date of these regulations, under the provisions of § 553 (b)(B) and (d) of the

Administrative Procedure Act. The projected closure date, based on current data, is estimated to be in September. There is no reliable prediction of the rate at which the fleet will use the remaining quota. During this year the observed kill in a week ranged from zero to nearly 1000 porpoise. When the quota is reached fishing on porpoise will be prohibited. If this rule is not in effect at that time, there will be no way to enforce that prohibition.

Also, the prohibition on importation of tuna taken on porpoise will go into effect automatically when the U.S. quota is reached. If this rule is not in effect at that time, foreign countries would not have an authorized way to prove that the tuna was not taken on porpoise after the quota was reached.

NMFS has not had to enforce a total prohibition on porpoise fishing since the current quota was adopted in 1980. Since recognizing that the porpoise kill in 1986 was abnormally high, the NMFS has proceeded as quickly as possible to identify the contributory causes for the high kill and to develop a method of effectively enforcing the ban on fishing on porpoise when it came. Alternatives were discussed with interested environmental groups and tuna industry representatives. The search for a workable supplement to the current regulations has required considerable data and analysis from the NMFS and the Inter-American Tropical Tuna Commission and has been reviewed by the Marine Mammal Commission (MMC). The NMFS intended to propose that landings of large yellowfin tuna be restricted, but after the data were analyzed by NMFS scientists in consultation with the MMC that proposal had to be withdrawn. This rule was prepared subsequent to the withdrawal of that proposal and is supported by the data.

The waiver of public comment before this rule is effective results from the short time available, after the prior proposal was withdrawn, being used to analyze carefully the available data, to consult with the scientific community and to develop the best proposal.

The Regulatory Flexibility Act does not apply to this rule. As an emergency rule issued under 5 U.S.C. 553(b)(B), it is not required by section 553 to be published as a proposed rule with opportunity for public comment. In addition, no other law requires such publication.

This rule contains collections of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). The collections which are subject to the Act are found at § 216.24 (a)(4)(ii), (a)(4)(vi)(A), and (a)(4)(vii) and are

identical to collections previously approved by the Office of Management and Budget (OMB) under OMB No. 0648-0099. Any comments on this measure should be directed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC.

#### List of Subjects in 50 CFR Part 216

Administrative practice and procedure, Imports, Marine mammals, Reporting and recordkeeping requirements, Transportation.

Dated: September 10, 1986.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

#### PART 216—[AMENDED]

For the reasons set out in the preamble, 50 CFR Part 216 is amended as follows:

1. The authority citation for Part 216 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*, unless otherwise stated.

2. In § 216.24 new paragraphs (a)(4) and (e)(9) are added to read as follows:

§ 216.24 Taking and related acts incidental to commercial fishing operations.

(a) \* \* \*

(4) Yellowfin and bigeye tuna restrictions, and reporting requirements on the landings of all tunas, caught by U.S. purse seine vessels during trips that include the eastern tropical Pacific Ocean.

(i) *Prohibition on catching, possessing, or landing yellowfin and bigeye tuna.* Starting on the date on which the allowable quota on incidental mortality permitted under the general permit will be reached as announced under the provisions of § 216.24(d)(2)(i)(B) ("closure date"), fishing on porpoise is prohibited. Once the closure date is reached it is unlawful for any person using a class III (over 400 short tons carrying capacity) United States purse seine fishing vessel to catch, possess, or land yellowfin or bigeye tuna from a fishing trip that includes the Pacific Ocean area described in the General Permit for gear category 2 (the Pacific Ocean area bounded by 40° N. latitude, 40° S. latitude, 160° W. longitude, and the coastline of North, Central, and South America, the "ETP").

(ii) *Prohibition on landing any tuna without providing notice.* It is unlawful after the closure date for any person to land tuna from a U.S. tuna purse seine fishing vessel whose trip included any portion of the ETP unless NMFS is



notified at least five days in advance of the unloading and provided an opportunity to observe and inspect the unloading.

(iii) *Prohibition on the receipt, purchase, and possession of yellowfin and bigeye tuna.* It is unlawful for any person subject to the jurisdiction of the United States to receive, purchase, or possess yellowfin or bigeye tuna caught, possessed, or landed in violation of § 216.24(a)(4) (i) and (ii).

(iv) *Exceptions to the prohibitions of paragraphs (a)(4) (i) and (ii) of this section.* The prohibitions on catching, possessing, or landing of yellowfin or bigeye tuna in paragraph (a)(4)(i) of this section and the prohibitions of paragraph (a)(4)(ii) of this section do not apply:

(A) To fish from a vessel trip started after December 31, 1986.

(B) To fish from a fishing vessel of 400 short tons carrying capacity or less.

(C) To fish from non-porpoise sets from a fishing vessel which voluntarily takes a NMFS observer.

(D) To fish caught prior to the closure if a NMFS observer is on board for the entire trip.

(E) To fish from fish wells sealed by NMFS before a vessel's entry into the ETP and unsealed by NMFS before the unloading of the fish wells.

(F) To fish from those fish wells of a vessel at sea without an NMFS observer which are inspected or sealed by NMFS before the prohibitions of paragraph (a)(4)(i) of this section go into effect and are inspected or unsealed by NMFS before unloading.

(G) To fish from a vessel which transited through the ETP to fish outside of the ETP if NMFS inspects the vessel after the transit and determines that it is not carrying fish, provided that paragraph (a)(4)(iv)(E) of this section is complied with if the vessel returns to the ETP. For purposes of this determination, inspections in Hawaii are considered inspections outside of the ETP.

(v) *Definitions for purposes of § 216.24(a)(4):*

(A) "Trip" means a voyage starting when a vessel leaves port with all fish wells empty of fish and ending when a vessel unloads all of its fish.

(B) "Land" or "landing" means to begin offloading any fish, to arrive in port with the intention of offloading fish, or to cause any fish to be offloaded.

(C) "NMFS" means the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

(vi) *Observer placement.*

(A) A vessel must notify NMFS to request observer placement at least 21

days in advance of an expected trip so that NMFS can begin arrangements to provide an observer. Another notification to NMFS must be provided at least five days before departure on a trip to allow final placement arrangements to be set. Both the placement and the return of the observer must be at locations selected by NMFS.

(B) Observer data may be used in criminal or civil penalty proceedings, or forfeiture actions, as well as for scientific research purposes under the Marine Mammal Protection Act.

(C) It is unlawful for any person to forcibly assault, or to impede, impair, intimidate, interfere with, influence or attempt to influence an observer placed aboard a vessel.

(vii) *Arranging for vessel unloadings and fish well inspections, sealing, and unsealing.* NMFS must be notified at least five days in advance of the requested time for vessel unloadings, inspections, sealing or unsealing wells. For fish well sealing and unsealing, a vessel must be made available at locations specified by NMFS. The costs of sealing and unsealing fish wells will be borne by the vessel unless otherwise specified by NMFS in advance.

(viii) *NMFS contact point.* For purposes of the notifications required by this section, NMFS must be contacted weekdays between 8:00 a.m. and 4:30 p.m. San Diego time at the Tuna/Porpoise Management Branch, 1520 State Street, San Diego, CA 92101, (619) 293-6540. Saturdays, Sundays, and Federal holidays do not count as days for purposes of the notification requirements.

\* \* \* \* \*

(e) \* \* \*

(9)(i) *Restrictions on yellowfin and bigeye tuna imports.* No yellowfin or bigeye tuna harvested by a purse seine vessel fishing on porpoise in the eastern tropical Pacific Ocean (the Pacific Ocean area bounded by 40° N. latitude, 40° S. latitude, 160° W. longitude, and the coastline of North, Central, and South America, the "ETP") during the period that such fishing is prohibited for vessels of the United States under § 216.24(a)(4)(i) in 1986, may be imported into the United States. Any tuna harvested in the ETP before the closure date must be placed in a bonded warehouse before the closure date in order to be imported into the United States after the closure date.

(ii) *Definitions for purposes of § 216.29(e)(9).*

(A) "Closure date" means the date on which the allowable quota on incidental mortality permitted under the general permit will be reached as announced

under the provisions of § 216.24(d)(2)(i)(B).

(B) "Closure period" means a period beginning on the closure date and ending on December 31, 1986, during which United States purse seine vessels are prohibited from catching tuna by setting on porpoise.

(C) "ETP" means the eastern tropical Pacific Ocean which includes the Pacific Ocean area bounded by 40° N. latitude, 40° S. latitude, 160° W. longitude, and the coastline of North, Central, and South America.

(D) "NMFS" means the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

(iii) *Authorization required for yellowfin and bigeye tuna imports.* Any yellowfin or bigeye tuna harvested by a vessel of a country for which the Assistant Administrator has made a finding under paragraph (e)(5)(i) of this section, that is offered for importation between the closure date and June 30, 1987, must be accompanied by a letter of authorization from NMFS.

(iv) *Procedure to obtain letter of authorization.* Any person desiring to obtain a letter of authorization from NMFS to allow the importation of yellowfin or bigeye tuna must submit to the Regional Director, NMFS, 300 S. Ferry Street, Terminal Island, CA 90731, a declaration signed by a responsible government official of the country whose flag vessel caught the tuna, that the tuna being offered for importation was not taken by fishing on porpoise during the closure period. The declaration of the responsible government official must include the information listed in either paragraphs (e)(9)(iv) (A), (B), (C) or (D) of this section, as appropriate.

(A) If the tuna to be imported was taken on a fishing trip any part of which was in the ETP during the closure period, the declaration must include the following information:

(1) The name of the vessel(s) which harvested the tuna,

(2) The dates of the trip(s) on which the tuna was harvested,

(3) A statement that the vessel carried an observer approved by the government on every portion of the trip that occurred after the closure date, and

(4) A statement that the observer certified that no tuna was harvested by fishing on porpoise after the closure date.

(B) If the tuna to be imported was taken on a fishing trip in the ETP that ended before the closure date, the



declaration must include the following information:

- (1) The name of the vessel(s) which harvested the tuna,
- (2) The dates of the trip(s) on which the tuna was harvested,
- (3) The date that the tuna was placed into a bonded warehouse,
- (4) The date that the tuna was removed from the bonded warehouse, and
- (5) The name and address of the bonded warehouse that held the tuna.

Paperwork from the bonded warehouse that shows the dates that the tuna was placed into the warehouse and taken out of the warehouse must accompany the declaration.

(C) If the tuna to be imported was taken by fishing on porpoise on a fishing trip that began after the closure period ends, the declaration must include the following information:

- (1) The name of the vessel(s) which harvested the tuna,
- (2) The date of the trip(s) on which the tuna was harvested, and
- (3) The location of the harvest.
- (D) If the tuna to be imported was taken on a fishing trip on which the vessel was not in the ETP for any portion of the trip, the declaration must include the following information:
  - (1) The name of the vessel(s) which harvested the tuna,
  - (2) The date(s) of the trip(s) on which the tuna was harvested, and
  - (3) The areas in which the vessel(s) was during the trip(s) (e.g., the western Pacific Ocean, the Atlantic Ocean).

(v) *Disposition of tuna not accompanied by required documentation.* Tuna that requires a letter of authorization under paragraph (e)(9)(iii) above that is offered for importation without the required letter of authorization must be either—

- (A) Exported under Customs supervision within 60 days or
- (B) Placed into a bonded warehouse or

(C) Disposed of under Customs laws and regulations, as long as that disposition does not result in its introduction into the United States.

The importer will remain liable for any expenses incurred in the storage and/or disposal of tuna refused admission under these regulations. If, within 60 days of fish being placed into a bonded warehouse, the District Director of Customs receives appropriate documentation for that fish, the fish will be allowed to be entered into the United States, otherwise it will be disposed of as set forth in paragraphs (e)(9)(v) (A) or (C) of this section.

\* \* \* \* \*

[FR Doc. 86-20813 Filed 9-11-86; 10:03 am]

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# Proposed Rules

Federal Register

Vol. 51, No. 179

Tuesday, September 16, 1986

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### 7 CFR Part 17

#### Financing of Commercial Sales of Agricultural Commodities

**AGENCY:** Foreign Agricultural Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The proposed rule would amend the regulations applicable to the financing of the sale and exportation of agricultural commodities pursuant to Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Pub. L. 480, 83rd Cong.), appearing at Part 17 of Title 7 of the Code of Federal Regulations. The proposed rule would establish guidelines regarding the contracting for ocean transportation by importing countries when the Commodity Credit Corporation is financing ocean freight charges. The proposed rules are designed to ensure that ocean carriers are given fair opportunity to participate in the carriage of Title I cargoes, thereby keeping freight costs of the program as low as possible.

**DATES:** Comments on the proposed rule must be received by October 16, 1986.

**ADDRESS:** Comments should be submitted to: Melvin E. Sims, General Sales Manager, Foreign Agricultural Service, Room 4073-South, U.S. Department of Agriculture, Washington, DC 20250.

All comments will be available for public inspection during regular business hours in Room 4549, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC 20250.

**FOR FURTHER INFORMATION CONTACT:** Robert Simpson, Director, Pub. L. 480 Operations Division, Export Credits, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, DC 20250. Telephone: (202) 447-6711.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation 1512-1 and has been classified "not major." It has been determined that this rule will not result in an annual effect on the economy of \$100 million or more; will not cause a major increase in costs to consumers, individual industries, Federal, State or local government agencies or geographic regions; and will not have an adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the rule involves foreign affairs functions of the United States and therefore neither 5 U.S.C. 553 nor any other provision of law requires publication of a notice of proposed rulemaking with respect to the subject matter of this rule. Comments are nevertheless invited from interested entities.

#### Background

Under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended ("Pub. L. 480"), the Commodity Credit Corporation ("CCC") is authorized to finance the sale and exportation of agricultural commodities purchased by friendly countries. CCC's policy is, generally, to pay the ocean freight differential ("OFD") on U.S. flag vessels. OFD is the amount determined to represent the additional freight costs incurred as a result of the requirement to use U.S. flag vessels under the Cargo Preference Act (P.L. 83-664). In certain circumstances, CCC may also finance on credit terms, the non-OFD portion of the freight charges for U.S. flag vessel carriage or the freight charges for foreign-flag vessel carriage.

Section 408(d) of Pub. L. 480 requires the Secretary of Agriculture to periodically review and revise the regulations governing the operation of the Title I, Pub. L. 480 program, including matters regarding prohibitions against conflicts of interest between participating countries ("participants") and their agents and suppliers of commodities and ocean transportation. This rulemaking is undertaken as part of this review provision.

The Title I program has a number of objectives which are enumerated in section 2 of Pub. L. 480. Pursuant to these objectives, Title I procedures are designed to permit participants or authorized importers to purchase and ship Title I commodities utilizing normal commercial practices insofar as possible, consistent with protecting the U.S. Government's financial interest in the program. Under this policy, importers issue tenders for the purchase of commodities and for ocean transportation. The Department of Agriculture (USDA) exercises responsibility for the approval of commodity tenders and reviews ocean freight tenders. Thus, the conduct of the freight tendering process has, generally, been the responsibility of the importers which often utilize shipping agents.

Procedures relating to ocean transportation procurement by importers vary. For example, certain importers require that non-U.S. flag ocean transportation be contracted in accordance with competitive bidding procedures, i.e., public opening of bids and with no negotiation of offers. Others require or allow bids to be opened in private and permit further negotiations of the freight bids. Moreover, in this latter category, negotiation techniques have varied from country to country. These differing contracting procedures have led to complaints from the trade and to concern that freight rates financed by CCC may not represent the lowest rates possible. This is of particular concern to this Department since higher freight rates financed by CCC would result in less funds being available to finance commodity purchases. Other concerns that have been expressed include the suggestion that Title I shipping agents might have relationships with steamship companies that may reduce their incentive to obtain the lowest possible freight rates. A recent study which deals with this and other issues has been made by the General Accounting Office (see *Transportation of Public Law 480 Commodities—Efforts Needed to Eliminate Unnecessary Costs*, GAO/NSIAD 85-74, 6/18/85). This proposed rule is intended to address the problems and issues mentioned above by bringing more uniformity to the Title I ocean transportation contracting procedure.

USDA's role in connection with Title I ocean transportation contracting has



been to review freight offers and to approve vessels nominated by importers, or their agents, in order to: (1) Ensure cargo preference compliance; (2) ensure that USDA is aware of the most competitive U.S. flag vessel rates for the purpose of OFD computations; and (3) facilitate approval of commodity purchases at the lowest landed cost. Consistent with the policy of permitting importers to follow commercial practices to the extent possible, USDA attempts to avoid being involved directly in the process of negotiating with ocean transportation suppliers. However, on certain infrequent occasions, USDA has felt it necessary to encourage importers or their agents to give further opportunity to bidders to negotiate. It is recognized that this policy is not clearly set forth in the regulations.

#### Proposed Procedures

The proposed rule covers the contracting by importers for carriage of Title I cargoes by U.S. flag and foreign flag vessels when CCC is financing the freight charges. Two types of freight tenders for such vessels could be issued by importers. One would be open competitive procedures with no negotiations, and the other would be closed procedures with negotiations.

##### (1) Open Competitive Procedures

It is the intention of the Department to require open competitive contracting procedures, without negotiation, for ocean transportation financed by CCC to all countries where it is expected that significant rate competition will exist. The decision whether to require open competitive procedures will be made on a case-by-case basis, taking into account the results of tenders conducted in recent years for each country. A major purpose of this review will be to determine whether or not freight savings can be obtained from conducting tenders open to the public with no further rate negotiations. When such procedures are to be used, invitations for bids ("IFBs") will be reviewed and approved to assure that a clear statement is prominently included to the effect that (1) offers will be opened in public, (2) offers will not be subject to further negotiation, and (3) submission of additional information outside of the formal offer will not be permitted. The only exceptions will be cases when, in the process of approving commodity purchases, the Director, P.L. 480 Operations, FAS or, in the case of cotton shipments, the Director, Kansas City ASCS Commodity Office (hereinafter referred to as "the Director"), determines that changes in the original

offered freight rates or other terms are necessary to provide for the carriage of a quantity of commodities which cannot otherwise be matched to freight offers or to respond to unanticipated changes in the quantity or location of the commodities available for carriage.

##### (2) Closed, Negotiated Offers

When closed, negotiated procedures are to be used, IFBs will be reviewed to assure that a clear statement is prominently included to the effect that offers will be opened in private, and that further negotiations will be conducted. Further, the proposed rule would establish the following requirements governing negotiations:

(1) The Director will approve the nomination of a vessel for which freight is to be financed by CCC, only if the Director is satisfied that all vessels capable of carrying the cargo purchased, or to be purchased with original rate offers within 20 percentage points of the original rate offer of the vessel for which approval is requested, have been given a fair opportunity to negotiate, clarify or reduce their offers. A "fair opportunity" shall normally mean at least one opportunity to clarify or reduce rate offers and to provide any additional pertinent information not contained in the original rate offers;

(2) A "best and final offers" procedure may be conducted with prior approval of the Director in lieu of continued negotiation by the importer or its agent with the various offerors; and

(3) A "best and final offers" procedure may be required by the Director. It is not anticipated that this provision will be used often. It is intended to be used only upon a determination that the manner of conducting negotiations was not in the best interests of the United States.

The need to maintain the option of closed freight tenders stems partly from trade custom and partly from the limited availability of U.S. flag vessels to carry cargo to certain destinations. At times, few U.S. vessels compete on a particular Title I tender. Therefore, it is believed that the option of closed tenders with further negotiation of rates would, in these circumstances, likely result in lower freight rates and OFD expenditures. Nonetheless, concern has been expressed that this approach may permit importers, or their agents, to structure and manage freight tenders in ways that do not adequately protect U.S. Government financial interests. The previously-cited General Accounting Office report (GAO/NSIAD 85-74, 6/18/85) analyzes this issue.

In addition to the foregoing, the proposed rule provides certain requirements that will be applicable to

all ocean freight procurement. These include a prohibition on considering late offers and a prohibition on requesting U.S. flag offers prior to foreign flag offers. Also, there may be retendering only with the specific approval of the Director or when required by the Director. These new requirements for both closed and open freight tenders should resolve many of the concerns stated above. Non-consideration of late offers would eliminate the possibility of information on offers being passed to favored parties for the purpose of reducing competition under the 20% guideline requiring negotiations. Since IFBs may not establish a deadline for submission of U.S. flag vessel offers prior to foreign flag offers, there should be less possibility of foreign rates being submitted solely to increase the OFD computation.

This proposed rule also adds to the regulations certain provisions now appearing as standard language in purchase authorizations. Upon adoption of a final rule, these provisions will be deleted from purchase authorizations.

#### List of Subjects in 7 CFR Part 17

Agricultural commodities, Exports, Maritime carriers.

Accordingly, it is proposed that 7 CFR Part 17, Subpart A be amended as follows:

1. The authority citation for Part 17 continues to read as follows:

Authority: Secs. 101-115, Pub. L. 480, 83rd Cong. as amended, 68 Stat. 455 (7 U.S.C. 1701 *et seq.*); E.O. 12220, 45 FR 44245.

2. In § 17.9, paragraphs (b) through (o) are redesignated as (c) through (p), and a new paragraph (b) is added to read as follows:

##### § 17.9 Ocean transportation.

(b) *Contracting procedures*—(1) *General.* Public freight "Invitations for Bids" (IFBs) are required in the solicitation of freight offers from all U.S. and foreign flag vessels unless otherwise authorized by the Director, P.L. 480 Operations Division, Foreign Agricultural Service (FAS), or in the case of cotton shipments, by the Director, Kansas City ASCS Commodity Office (hereinafter referred to as "the Director" as applicable). IFBs for foreign flag vessels are not required if the participant requires the use of vessels under its flag or other foreign flag vessels under its control. Vessels considered to be under the control of the participant include vessels under time charters, bare boat charters, consecutive voyage charters, or other contractual



arrangements for the carriage of commodities which provide guaranteed access to vessels. Prior to release to the trade, all freight IFBs must be submitted to the Director for approval. Freight IFBs for both U.S. and non-U.S. flag vessels, except controlled vessels, must be issued by means of the Transportation News Ticker, New York, plus at least one other means of communication, to assure the broadest possible market coverage with adequate notice to interested parties. Copies of all offers received must be promptly furnished to the Director.

(i) The Director will determine whether ocean transportation is to be contracted for pursuant to offers opened in public without further negotiation of such offers, or offers opened in private and subject to further negotiations. The Director's decision will be made after a review of recent Title I, P.L. 480 freight tenders to determine the degree of rate competition that may exist and, therefore, the likelihood of a savings in OFD and ocean freight rates.

(ii) All freight IFBs must: contain a prominent statement as to whether offers will be opened publicly with no further negotiation or whether offers will not be opened publicly and would be subject to further negotiations; specify a closing time for the submission of bids and state that late bids will not be considered; provide that offers are required to have a cancelling date (last contract layday) no later than the last contract layday specified in the IFB, and that vessels which are offered with a cancelling date beyond the laydays specified in the IFB will not be considered. Vessels which do not comply with the above IFB requirements will not be approved by the Director.

(iii) The deadline for submission of offers from U.S. flag vessels may not be prior to the deadline for offers from foreign flag vessels.

(iv) The Director may require the importer, or its shipping agent, to submit a written certification to the GSM that all offers received were transmitted to this Department and that the times of receipt are designated thereon. For purposes of this section, "time of receipt" shall be the time a handcarried offer, mailed offer, or telegram was received at the location for presentation, or if transmitted electronically, the time the offer began printing.

(2) *Open competitive bidding procedures.* When CCC is financing any portion of ocean transportation charges and IFBs are to be conducted on the basis of open competitive bidding procedures without further negotiation, the following conditions shall apply, in

addition to other applicable requirements of this section:

(i) The IFB shall be opened in public in the United States at the time and place specified in the IFB.

(ii) Only offers which are responsive to the IFB may be considered, and no negotiation, clarification, or submission of additional information shall be permitted unless the Director first determines that changes in the original offered freight rates or other terms are necessary to provide for the carriage of commodities which cannot otherwise be matched to freight offers or to respond to unanticipated changes in the quantity or location of commodities available for carriage.

(3) *Closed, negotiated offers.* When CCC is financing any portion of ocean transportation charges and IFBs are to be conducted on the basis of closed, negotiated procedures, the following conditions apply in addition to other applicable requirements of this section:

(i) The Director shall approve nomination of a vessel only if the Director is satisfied that other vessels capable of carrying the commodities purchased, with original rate offers within 20 percentage points of the original rate offer of the nominated vessel, have been given a fair opportunity to negotiate, clarify or reduce their rates. A fair opportunity shall normally mean at least one opportunity to reduce offered rates and to provide any additional pertinent information not contained in original rate offers. The twenty percent levels shall be computed separately for U.S. flag and foreign flag vessels and shall be applicable to vessels in all delivery periods for which appropriate cargo is available.

(ii) In lieu of continued negotiations with offerors of ocean transportation, the Director may require, or the importer, or its agent may request, subject to the Director's approval, offerors to submit written "best and final offers" for vessels within the 20 percent competitive range indicated above. In such case, a representative of the P.L. 480 Operations Division shall be permitted to observe the opening of such best and final offers.

(4) *Retenders.* The Director may permit or require an importer to refuse any and all bids, whether or not negotiations are permitted, and in such case an importer may conduct a retender with the approval of the Director. The Director shall not approve or require freight tenders unless they will increase the likelihood of meeting U.S. flag cargo preference requirements, will permit the desired quantity to be shipped, will likely result in reduced

CCC expenditures; or are otherwise determined to be in the best interests of the program. Any retendering will be governed by the same requirements as the original tender.

\* \* \* \* \*

Signed at Washington, DC on August 27, 1986.

Melvin E. Sims,

General Sales Manager and Vice President,  
Commodity Credit Corporation.

[FR Doc. 86-20891 Filed 9-15-86; 8:45 am]

BILLING CODE 3410-10-M

## DEPARTMENT OF LABOR

### Office of the Secretary

#### 29 CFR Part 97

#### Closeout Requirements for Grants, Contracts and Other Agreements

**AGENCY:** Office of the Secretary, Labor.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of Labor is proposing administrative requirements for grants and agreements to provide for uniform closeout procedures. DOL is taking this action to establish standard approaches for all DOL agencies. This is part of a larger effort to review common administrative issues with the objective of streamlining and standardizing procedures.

**DATE:** Comments on the proposed rule must be submitted on or before November 17, 1986.

**ADDRESS:** Written comments should be addressed to the Assistant Secretary of Labor for Administration and Management, Room S-2514, 200 Constitution Avenue, NW., Washington, DC 20210. Comments will be available for public inspection at the above address from 8:15 a.m. to 4:45 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Thomas K. Delaney. Telephone: (202) 523-8904.

**SUPPLEMENTARY INFORMATION:** Office of Management and Budget (OMB) Circular A-102, Attachment L, requires agencies to establish grant closeout procedures.

The Department of Labor (DOL) is taking action in this area at this time to establish standard approaches for all DOL agencies. This is part of a larger effort to review common administrative issues with the objective of streamlining and standardizing procedures. Contract closeout procedures are set forth in the Federal Acquisition Regulation at 48 CFR 4.804.

The Department is specifically interested in comments regarding the timeframe available for submittal of late



claims. As proposed, a one year period from the date on which the unreported cost was incurred will be allowed. A two year period was considered.

#### Executive Order 12291

This proposed rule would not be a "major rule" under Executive Order 12291, because it will not likely result in (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

#### Regulatory Flexibility Act

This proposed rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act. DOL has notified and has certified to the Chief Counsel for Advocacy, Small Business Administration, pursuant to 5 U.S.C. 605(b), that the proposed rule would not have a significant economic impact on a substantial number of small entities.

#### Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the reporting or recordkeeping provisions included in this rule have been submitted to OMB for approval. Requirements for this rule streamline current administrative procedures in place for the closeout of grants and cooperative agreements.

#### List of Subjects in 29 CFR Part 97

Government procurement, Government contracts, Grant programs—labor, Grants administration, Government property management, Reporting or recordkeeping requirements.

For the reasons set out in the preamble, Subtitle A of Title 29 of the Code of Federal Regulations is amended by adding a new Part 97 to read as follows:

#### PART 97—CLOSEOUT REQUIREMENTS FOR GRANTS, CONTRACTS AND OTHER AGREEMENTS

Sec.

- 97.0 Purpose and scope of part.
- 97.1 General procedures.
- 97.2 Definitions.
- 97.3 Single-award grants and agreements.
- 97.4 Multi-year grants and agreements.

Authority: 5 U.S.C. 301; 29 U.S.C. 801 *et seq.*; 29 U.S.C. 795; 30 U.S.C. 801 *et seq.*; 29 U.S.C. 651 *et seq.*; 42 U.S.C. 3011 *et seq.*; 42 U.S.C. 501 *et seq.*; 1101 *et seq.*; 1321 *et seq.*; 29 U.S.C. 49 *et seq.*; OMB Circular No. A-102; OMB Circular No. A-110.

#### § 97.0 Purpose and scope of part.

The regulations in this part provide uniform closeout procedures for all grants and other agreements entered into by the Department except those "block grant" portions of the Jobs Training Partnership Act (JTPA). The financial reconciliation requirements as defined at § 97.2(a)(1) and outlined at § 97.4(b)(1) do apply to these grants, however. Closeout procedures for contracts are set forth at 48 CFR 4.804.

#### § 97.1 General procedures.

(a) Each recipient shall observe the procedures set forth in this Part 97 in closing out all DOL financial awards.

(b) The three types of DOL financial awards are:

- (1) Single-award grants and agreements;
  - (2) Multi-year grants and agreements; and
  - (3) Contracts.
- (c) Contract closeout procedures are set forth at 48 CFR 4.804.

#### § 97.2 Definitions.

The following definitions shall apply to Part 97:

(a)(1) "Financial reconciliation" means the process by which a recipient under a multi-year agreement, funded by annual increments, financially reconciles its accounting records with those of the grantor agency for funds which have been obligated by DOL and expended by the grantee. This is one portion of a "partial" closeout of an active grant. The purpose of a financial reconciliation is to assure that there are no errors in the accounting for expenditures that could become more difficult to resolve over the long-term life of the grant and negatively affect preliminary and final closeout.

(2) A financial reconciliation may be considered a complete accounting for the period subject only to—

- (i) additional potential liabilities specifically listed during the reconciliation process,
  - (ii) Unknown third party claims, and
  - (iii) Any subsequent audit findings.
- (3) Potential liabilities referenced in paragraph (a)(2) of this section may include:
- (i) Liabilities incurred but not paid by the grantee at time of settlement;
  - (ii) Changes to indirect cost rates;
  - (iii) Unpaid bills where exact amounts are not known at the time of settlement;

(iv) Questions concerning grantee liability;

(v) Unresolved claims or claims in dispute involving subrecipients or third parties; and

(vi) Unresolved issues under appeal to the Administrative Law Judge process or the courts.

(4) Financial reconciliation is subject to adjustment based on audit findings. Therefore, disallowed costs resulting from a future audit may affect the financial reconciliation.

(5) Agencies shall develop procedures for the financial reconciliation of their grants with recipients.

(b) "Partial closeout" means for multi-year grants, the completion of financial reconciliation, receipt of property certification, and resolution of any audit prepared for a specific timeframe of a still active grant. Except when questions of fraud, misfeasance, nonfeasance or malfeasance are raised, no further administrative action is required on the time period covered by the audit.

(c) "Preliminary closeout" means for all grants, the completion of all closeout activity after the expiration date of the grant except the resolution of the audit for the final time period, approval of final overhead/indirect cost rates, and any subsequent litigation issues. Preliminary closeout should be achieved by DOL within twelve months of the expiration date of the grant.

(d) "Final closeout" means for all grants, the completion of all activities through audit resolution and any litigation. Once final closeout has been achieved, official retirement of the grant files can be initiated. Once a grant is in final closeout status, no other Federal activities relating to this grant are possible except where questions of fraud, misfeasance, nonfeasance or malfeasance are raised, or where, within one year of incurring a previously unreported cost, the recipient provides substantiated documentation regarding its allowability. The grant will be reopened to address these issues only.

(e) "Property certification" means for multi-year grants, an annual certification required from DOL grantees that attests that all property is being maintained according to applicable Federal regulations.

(f) "Unilateral closeout" means those actions on the part of the Department to close out a grant when a grantee fails to submit the required closeout documentation. Steps available to the grant officer include calling for an audit of the grantee for closeout purposes, restricting payment of invoices, disallowing unaudited expenditures, and reducing Letter of Credit availability to



the grantee. If the grantee submits the necessary closeout documents in response to the Department's actions in this paragraph, the Department will then follow regular closeout procedures.

(g) "Department" or "DOL" mean the United States Department of Labor.

(h) "Secretary" means the Secretary of Labor.

#### § 97.3 Single-award grants and agreements.

(a) Single-award grants and agreements are financial awards covering a specified period of time, normally one year, for which Federal assistance has been approved. Examples of DOL single-award grants include Work Incentive (WIN) Program grants, OSHA/BLS statistical grants, and BLS cooperative agreements. This section 97.3 applies only to such grants and agreements.

(b) DOL will transmit the single-award grant closeout package to the recipient at least 30 days prior to the expiration date of the grant.

(c) Grantees should submit required closeout documents within 90 days of the expiration date of the grant or agreement. DOL may initiate unilateral closeout actions if this time standard is not met.

(d) Preliminary closeout by DOL will be completed within 12 months from the expiration date of the grant.

(e) Subsequent to the resolution of the audit for the final timeframe of the grant and resolution of any litigation issues, final closeout of the grant will be achieved. At this time, DOL will provide official notification of this fact to the recipient.

(f) The recipient may bring other claims against the grant for a period of one year after the date on which a cost was incurred. When determined that these previously unreported costs are allowable, the Government will provide appropriate reimbursement to the grantee up to the limits of available obligational authority remaining for that particular grant. The Government is not liable for any costs incurred that are not reported in this timeframe.

(g) After the final closeout of the grant, only questions of fraud, misfeasance, nonfeasance or malfeasance can result in the grant being reopened except when action is initiated by the recipient as allowed in paragraph (f) of this section.

(h) Retirement of the grant file will follow final closeout.

(i) Closeout documents shall include:

- (1) Final Financial Reports as required by the grantor agency;
- (2) Schedule of Unpaid Liabilities;

(3) Grantee's Assignment of Refunds, Rebates and Credits;

(4) Grantee's Release;

(5) Property Closeout Certification;

(6) Property Listing; and

(7) Grant Closeout Tax Certification, where appropriate.

#### § 97.4 Multi-year grants and agreements.

(a) Multi-year grants and agreements are DOL grants and agreements to recipients which are funded in periodic increments. These types of arrangements usually have either a set expiration date of a three-year or five-year duration, or are open-ended. Further characteristics include:

(1) Multi-year grants and agreements which have a fixed expiration date in their funding arrangement, and include:

(i) A nonfinancial "Master Plan Agreement" for a fixed term of three or more years that describes a continuing DOL program to be funded by annual increments awarded to a recipient submitting specific Annual Plans. The Master Plan Agreement sets forth the recipient's general plan and procedures for meeting program goals and includes all assurances and overall program requirements.

(ii) An Annual Plan (or Plans) that include an Application for Federal Assistance (SF-424), the detailed operating plan, and budget and property information for the year as approved by the grant officer. Examples of DOL multi-year grants are Native American Program grants under the Job Training Partnership Act (JTPA), and Employment Service Reimbursable Grants.

(2) Open-Ended grants consist of a long-term agreement, such as a Master Plan or Governor/Secretary Agreement. This grant or agreement is open-ended with no expiration date fixed at inception. At DOL's discretion, an expiration date may be established. Examples within the Department include Wagner-Peyser grants, unemployment compensation administration grants, OSHA-State 23G grants, and mine safety and health grants.

(b) Throughout the life of these grants, a series of administrative actions will be conducted by DOL.

(1) For each annual plan period, a financial reconciliation between DOL's and the recipient's records for expenditures, obligations, and Letter of Credit (LOC) drawdowns or Treasury check payments will be conducted.

(2) Certification shall be provided by the recipient for each annual funding period which attests that property records are being maintained in accordance with DOL and grantor agency policy and regulations. On a

periodic basis, DOL should verify the property at the grantee level.

(3) Audits will be conducted according to the requirements outlined in 29 CFR Part 96. Audits will be used to complete closeout of the financial aspects of grant operations for those annual plans ending during the period covered by the audit. Upon resolution of all audit issues for that period of time, the grant will be considered "partially" closed as defined at § 97.2(b) of this Part.

(4) If recipients fail to provide the information required to complete the "partial" closeout of a multi-year grant, DOL has the authority to suspend funding of the grant or agreement until compliance with the established requirements is achieved.

(c) At the end of the Master Plan and the last Annual Plan of the grant or the Governor/Secretary Agreement, DOL will initiate formal, final closeout procedures as follows:

(1) 30 days prior to the end date of the grant, the multi-year closeout package will be forwarded to the recipient.

(2) The grantee shall complete the closeout package and submit it to DOL within 90 days of the end date of the grant.

(3) Failure of the grantee to submit the required closeout documents is a ground for DOL to determine to initiate unilateral closeout procedures.

(4) Preliminary closeout by DOL will be completed within 12 months from the end date of the grant.

(5) Subsequent to the resolution of the audit for the final time period and resolution of any litigation issues, final closeout of the grant will be achieved. At this time, DOL will provide official notification of this fact to the recipient.

(6) The recipient may bring other claims against the grant for a period of one year after the date on which the cost was incurred by the grantee or sub-recipient. When determined that the charges are allowable, the Government will provide appropriate reimbursement to the grantee up to the limits of available obligational authority remaining for that particular grant. No claims may be brought after this one year timeframe.

(7) After the final closeout of the grant, only questions of fraud, misfeasance, nonfeasance or malfeasance can result in the grant being reopened, except as noted in paragraph (c)(6) of this section.

(8) Retirement of the grant file will follow final closeout.

(d) The final closeout package for multi-year grants and agreements will consist of the following documents:



- (1) Final Financial Reports as required by the grantor agency;
- (2) Schedule of Unpaid Liabilities;
- (3) Grantee's Assignment of Refunds, Rebates, and Credits;
- (4) Grantee's Release;
- (5) Property Closeout Certification;
- (6) Property Listing; and
- (7) Grant Closeout Tax Certification, where appropriate.

Signed at Washington, DC, this 10th day of September, 1986.

Thomas C. Komarek,

Assistant Secretary for Administration and Management.

[FR Doc. 86-20896 Filed 9-15-86; 8:45 am]

BILLING CODE 4510-23-M

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

#### 41 CFR PART 114

#### Property Management

**AGENCY:** Department of the Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Acquisition and Property Management is proposing the revision of the regulations for establishing rental rates for Government furnished quarters. These changes are necessary because of the revisions to the Office of Management and Budget Circular A-45, *Policy Governing Charges for Rental Quarters and Related Facilities*. The revisions provide bureaus of this Department with specific policy guidance and instructions for implementing the provisions of the revised Circular. The proposal will also clarify the methodology for establishing rental rates for various housing units and will advise employees more precisely on the scope and nature of their appeal rights.

**DATES:** Comments must be received on or before October 16, 1986.

**ADDRESSES:** Comments may be mailed to James R. Rodden, Room 5512, Department of the Interior, 18th and C Streets, NW., Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** James R. Rodden, Division of Real Property Management, (202) 343 2080.

**SUPPLEMENTARY INFORMATION:** A Temporary Regulation (Interior Property Management Regulations, Temporary Regulation No. 34), was issued within the Department on December 21, 1984. The Temporary Regulation was issued to ensure full compliance with the requirements of the revised Circular.

This proposed rule incorporates the provisions of the revised Circular. The following areas of the rental rate establishment process are affected:

- a. Definitions of important terms have been changed. (114-52.105).

- b. Base rental rates may only be established by professional appraisers or regional surveys. Quarters evaluation boards are abolished. (114-52.201(e)).

- c. The list of site amenities and their values has been changed. (114-52.303).

- d. An Isolation Adjustment replaces the now defunct Unusual Transportation Cost Adjustment. (114-52.302).

- e. The methodology for handling computation of excessive heating/cooling costs has been changed. (114-52.308).

- f. The limitation on administrative adjustments has been changed. (114-52.301).

- g. The procedures for reconsideration and appeal have been changed. (114-52.6).

- (1) They extend the amount of time employees have to file requests for reconsideration and appeals.

- (2) They require that an employee file a request for reconsideration as a prerequisite to an appeal to the Office of Hearings and Appeals.

- (3) Employees may not appeal an issue which was not first raised in their request for reconsideration.

- (4) Only employees (not other occupants) may appeal rate decisions.

- (5) They require that the reasons for the appeal be listed with some degree of specificity.

The principal author of this rulemaking document is James R. Rodden of the Office of Acquisition and Property Management, Office of the Assistant Secretary for Policy, Budget and Administration.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed special regulation to the address noted at the beginning of this rulemaking.

The Department of the Interior has determined that this document is not a major rule under Executive Order (E.O.) 12291 and certifies that this document will not have significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because the proposed rule deals only with internal management practices and policies.

The recordkeeping and information collection requirements in § 114-52.201(c), have been approved by OMB under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1084-0007.

The Department has determined that these regulations will not significantly affect the environment. An environmental impact statement is not

required under the National Environmental Policy Act of 1969.

#### List of Subjects in 41 CFR Part 114

Government property management, Housing.

For the reasons set out in the preamble, Part 114-52 of Title 41 of the Code of Federal Regulations is proposed to be revised as set forth below.

Dated: September 10, 1986.

Gerald R. Riso,

Assistant Secretary of the Interior.

## PART 114-52—ESTABLISHMENT OF QUARTERS RENTAL RATES

### Subpart 114-52.1—General

Sec.

- 114-52.101 Scope.
- 114-52.102 Statutory authority.
- 114-52.103 Regulatory authority.
- 114-52.104 Statutory restrictions.
- 114-52.105 Definitions.
- 114-52.106 Rental rate principles.
- 114-52.107 Extension of comparability.
- 114-52.108 Quarters in the territories and possessions.
- 114-52.109 Employees in leave status.
- 114-52.110 Workroom used as quarters.
- 114-52.111 Departmental Quarters Handbook.
- 114-52.112 Information collection.

### Subpart 114-52.2—Appraisals and Surveys

- 114-52.201 Base rent principles.
- 114-52.202 Appraisals.
- 114-52.203 Regional surveys.
- 114-52.204 Establishment of charges for utilities and related services.
- 114-52.205 Establishment of charges for furnishings.
- 114-52.206 Records.
- 114-52.207 Periodic adjustments of base rental rates and related charges.

### Subpart 114-52.3—Administrative Adjustments to Base Rental Rates

- 114-52.301 Adjustment policies.
- 114-52.302 Isolated locations.
- 114-52.303 Site amenities.
- 114-52.304 Impositions on privacy or living space.
- 114-52.305 Temporary quarters/maintenance of two households.
- 114-52.306 Inadequate size.
- 114-52.307 Excessive size or quality.
- 114-52.308 Excessive heating and cooling.
- 114-52.309 Administrative review.
- 114-52.310 Adjustment for possessory interest tax payments.
- 114-52.311 Administrative relief.

### Subpart 114-52.4—Implementation of New and Revised Rental Rates

- 114-52.401 New quarters.
- 114-52.402 Existing quarters.
- 114-52.403 Tenant notification.
- 114-52.404 Rental period.

### Subpart 114-52.5—Program Coordination

- 114-52.501 General.
- 114-52.502 Bureau responsibilities.



**Subpart 114-52.6—Employee Participation and Appeals**

- 114-52.601 Employee participation in rate setting processes.  
 114-52.602 Requests for reconsideration and appeals.

**Subpart 114-52.7—Non-Federal (Private Party) Quarters Rentals**

- 114-52.701 General.  
 114-52.702 Basic policy.  
 114-52.703 Rate determination.  
 114-52.704 Interim rental of excess quarters.

Authority: 5 U.S.C. 301, 40 U.S.C. 486(c) and 5 U.S.C. 5911.

**Subpart 114-52.1—General****§ 114-52.101 Scope.**

The regulations in this Part 114-52 apply to all Government-owned or leased personnel quarters rented in support of Federal programs, whether rented to employees of the holding Bureau, to employees of another Interior Bureau or other Federal agency, or to nonfederally employed tenants who are housed in order to facilitate the accomplishment of a Federal program. They apply to rental quarters in the 50 states, the District of Columbia, the territories and possessions, and Puerto Rico. These regulations do not apply to:

(a) Government-owned or leased quarters, custody of which has been transferred to a non-Federal entity pursuant to a written lease or contract authorized by law.

(b) Quarters, which under proper authority, are rented to the public for revenue pending future official use or disposal.

**§ 114-52.102 Statutory authority.**

Public Law 88-459, approved August 20, 1964, 5 U.S.C. 5911, provides that quarters rental rates shall be based upon the reasonable value of the quarters to the employee in the circumstances under which provided, occupied, or made available.

**§ 114-52.103 Regulatory authority.**

Office of Management and Budget (OMB) Circular No. A-45, revised, (*Policy Governing Charges for Rental Quarters and Related Facilities*) establishes the basic regulations governing the setting of quarters rental rates, adjustments thereto, and charges for furnishings and utilities. These are supplemented by the provisions of this Part 114-52, and by the procedures outlined in the Departmental Quarters Handbook (DQH), 400 DM. A copy of the DQH is available at each installation.

**§ 114-52.104 Statutory restrictions.**

Rental rates for quarters and charges for utilities may not be set so as to

provide a housing subsidy, serve as an inducement in the recruitment or retention of employees, or encourage the occupancy of available rental quarters. (See 5 U.S.C. 5536.)

**§ 114-52.105 Definitions.**

The terms used in this Part 114-52 are defined in the OMB Circular A-45 and the DQH. The Department of the Interior adds the following definitions:

(a) *Net contract rent.* The rental rate of the comparable housing after adjusting for the value of any furniture, furnishings, services, or utilities included in the rent.

(b) *Same general area.* The areas in or adjacent to the established communities near a Government installation.

**§ 114-52.106 Rental rate principle.**

Base rental rates and charges for utilities will be set at the rates prevailing for comparable private housing in the same general area in which the rental quarters are located. The procedures for doing so are outlined in the OMB Circular A-45 and supplemented by this Part 114-52 and by the procedures in the DQH.

**§ 114-52.107 Extension of comparability.**

The principle of comparability with private rental practice may be modified in the following circumstances:

(a) Where employees must occupy space for use as quarters which is generally unsuitable for that purpose or where they must reside in quarters which are suitable only for particular types of occupancy, such as rooming houses, bunkhouses, bachelor quarters, residence hotel-type structures, barracks-type structures, or guard and lookout cabins. In these circumstances, where no comparable rental data are obtainable or professional appraisals are not made, rental rates will be determined by the square footage occupied, at a rate equivalent to one-half the base rental rate per square foot charged for the nearest adequate rental quarters of the same or any other Federal agency. Rates established in this manner apply only to the shelter rental, with a separate charge for any other facilities and services provided (such as water, heat, light, and furniture) at rates comparable to those in the survey or appraisal area.

(b) Where quarters are occupied on a temporary or transient basis—normally for 60 days or less. Quarters so occupied will be charged for at rates equivalent to private transient quarters of comparable type and quality when available. Rates may be set on a nightly, weekly, bi-weekly, or monthly basis as appropriate. Where comparable private transient

quarters are not available in the area, rates may be established by determining the reasonable monthly rental rate for the quarters and adding thereto an additional charge of 20 percent. The sum of these will be divided by 30 to determine the nightly rate, or by 4 1/2 to determine the weekly rate.

**§ 114-52.108 Quarters in the territories and possessions.**

The policies outlined in this Part 114-52 also apply to quarters located in the territories and possessions. Rents will be established in accordance with these policies and the procedures outlined in the DQH.

**§ 114-52.109 Employees in leave status.**

Employees on leave with or without pay, for 30 calendar days or less will continue to be charged for quarters. Employees on leave for more than 30 days may be permitted to vacate quarters and make them available for reassignment. Where the employee is to be separated at the end of a leave period, however, no charge should be made once the quarters are made available for reassignment.

**§ 114-52.110 Workroom used as quarters.**

(a) Where an employee is required to utilize alone, or with his/her family a workroom as quarters, a reasonable charge shall be made for use of the quarters. This charge should reflect the degree to which the space is suitable for occupancy. The rental charge, for a lack of private rental market comparables, shall be based upon the principle of an extension of comparability. Examples of facilities that could be subject to this provision are guard stations, lookout towers, one room cabins, administrative sites, observatories, etc.

(b) The above situations are distinguishable from those instances where only a room or small portion of a quarters unit is required for official business purposes. In the latter situation, the use of a portion in the quarters as an office, workroom, etc., is considered an intrusion into the living space, resulting in a loss of privacy, and an adjustment is made in the base rental rate in accordance with § 114-52.304.

**§ 114-52.111 Departmental quarters handbook (DQH).**

A handbook has been prepared to supplement IPMR Parts 114-51 and 114-52. It provides detailed guidelines governing administration, management and rental rate establishment activities related to Government furnished quarters (GFQ). Bureau officials responsible for administration and management of rental quarters are



expected to have and maintain current copies of the handbook. The handbook is issued as a looseleaf service so that updated text material may be interleaved. It is available for examination by all employees.

#### § 114-52.112 Information collection.

The information collection requirements contained in § 114-52.201(c) have been approved by the the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1084-0007. The information is being collected to provide a sample of private sector rental rates in communities near government installations. The information will be used to establish base rental rates for government furnished quarters near the surveyed communities. Response is voluntary.

### Subpart 114-52.2—Appraisals and Surveys

#### § 114-52.201 Base rent principles.

(a) As provided in Subpart 114-52.1 of this Part, rental quarters including trailer spaces, shall be rented at rates (and furnishings, utilities, and related services charged for at rates) prevailing for comparable private housing and services in the same general area as where the rental quarters are located. Generally, base rental rates lower than those prevailing in the general area may not be charged for GFQ, since this would be a form of employee subsidization specifically forbidden by statute, Comptroller General decisions, and OMB regulations. Conversely, base rental rates higher than those prevailing in the general area should not be charged.

(b) It is recognized, however, that the rent actually charged (i.e., the reasonable value of the quarters to the employee) as established under the rental valuation system promulgated under OMB Circular A-45, as revised, does not necessarily equate to fair market valuation of the comparables after required administrative adjustments are made to the base rental rate. These administrative adjustments are designed to provide a uniform basis for assessing differences in physical and economic characteristics, and to establish reasonable value to the employee in the circumstances under which the units are provided, occupied, or made available.

(c) The determination of reasonable value of GFQ will be based upon an impartial study of comparable private rental housing. There are two methods that may be employed to determine the base rental rate. The first, an appraisal,

involves direct comparison with individual private rental housing units. The second, a regional survey, creates a series of economic models based upon a survey of comparable private rental properties throughout the region.

(d) Where regional surveys are used for establishing rental rates, the resulting rates will be utilized by all bureaus. The individual bureaus are not authorized to conduct individual surveys or appraisals in lieu of a regional survey directed by the Department.

(e) There will be an appraisal or a regional survey conducted at least once every five years, or as otherwise appropriate to establish the "reasonable value" of the GFQ for all Departmental quarters meeting the OMB Circular A-45 definition of "rental quarters".

#### § 114-52.202 Appraisals.

When base rental rates are to be determined by the individual appraisal method, only qualified real property appraisers (staff or contract) may undertake the assignment. Such appraisals will be reviewed for technical acceptance by qualified review appraisers, prior to their use in establishing the monthly rental charge. Appraisals may only be conducted in those areas not covered by a regional survey.

(a) *Appraisals in urban and suburban locations.* If Government quarters are located in or within five miles of an established community, in an urban or suburban location, the base rental rate may be determined by either a staff or contract appraiser, applying recognized real estate valuation principles, within the constraints outlined in the OMB Circular A-45.

(1) Rental rates will be derived directly from the prevailing private rental market in the appraisal community (which is normally the nearest established community). It is not necessary that there be numerous vacancies in the established community. However, if there is no rental market in the nearest established community for one or more classes of housing, the appraiser will proceed to the next closest established community to secure comparable rental data.

(2) The appraiser will make direct comparative adjustments between the comparables and the Government quarters.

#### (b) *Appraisals in rural areas.*

(1) Where GFQ are located in areas other than in or within five miles of an established community (as defined OMB Circular A-45), the appraiser will utilize comparable market rentals for that GFQ in the nearest established community. If

there is no rental market in that community for one or more classes of housing, the appraiser will proceed to the next closest established community to secure comparable rental data.

(2) The appraiser will apply only physical characteristic adjustments (adjusting the quarters to the comparables in their setting). No adjustments will be made for isolation, amenities, imposition on privacy and living space, excessive size or quality, or excessive heating and cooling costs. These adjustments will be administratively applied by the appropriate quarters officers.

(3) Further guidance is provided in the DQH.

#### § 114-52.203 Regional surveys.

Regional surveys may be used in all locations where Government quarters are located. If the regional survey method is used, the base rental rates will be set by means of a series of economic models that utilize typical rental rates for comparable private rental housing in the general area in which the Government quarters are located. The actual analysis of rental data for the establishment of base rental rates may be accomplished using appropriate statistical techniques, such as step-wise multiple regression.

(a) The regional survey is the preferred method for establishing base rental rates. It will be utilized by all Department of the Interior bureaus where feasible.

(1) The boundaries of the regional survey areas will be established by the Office of Acquisition and Property Management (PAM), in consultation with the participating bureaus and agencies. The area selected for survey should be large enough to permit an adequate sampling of comparable rental properties in at least several established communities and may encompass one or more States. Surveys will be coordinated by the Director, PAM, unless other arrangements are approved.

(2) The methods of analysis must be capable of recognizing different physical characteristics and differences in economic conditions, and of reflecting such differences in the base rents. Private rental housing samples reflecting extremely high or low rental rates (i.e., 50% above or below the regional average) should be excluded from analysis.

(b) *Survey principles.* The purpose of the regional survey is to produce reasonable GFQ rents. Such reasonable rents are derived from the analysis of market rents of comparable properties in established communities nearest to



concentrations of Government housing. The result of the surveys is to be a general, cost-adjusted, market-derived base rent schedule for the region and not the specific market appraisal of a unit on a specific site in a specific neighborhood. This schedule will reflect physical differences in structures and economic differences between communities where these differences impact the rental rate structure.

(c) *Survey practices.* The regional surveys will include the following elements:

(1) *A survey of the private sector rental market.* The purpose of this data collection is to gather community and private rental housing data to be used for rent setting and establishing charges for related facilities.

(2) *Base rent tables.* The base rental rate of a GFQ is derived from the survey data in paragraph (c)(1) of this section, and is the estimated value of that unit before applying any administrative adjustments or charges for related facilities.

(3) *A regional survey report that will be prepared and distributed to the affected bureaus.* The report should include, as a minimum: a list of the communities surveyed, the base rent tables, and charges for utilities and related services.

#### § 114-52.204 Establishment of charges for utilities and related services.

Where practicable, utilities (electricity, gas, oil, propane, water, etc.), and related services (sewer, garbage and trash disposal, cable TV, etc.) shall be provided to occupants of Departmental quarters directly by a private supplier and the occupants billed directly for such services. Where the Government collects for services provided by a private supplier, the final charges may reflect the addition of an administrative charge to the occupant. Where the Government furnishes the service, the charges should reflect the cost of similar services provided renters of comparable private rental housing in the established communities or survey area. Charges to occupants of rental quarters for utilities and related services, when furnished by the Government will be established as follows:

(a) When utilities are capable of being individually metered and related services measured, by application of the prevailing rates for comparable utilities and related services in the community or survey area used for comparison rental rates.

(b) When utilities cannot be individually metered and related

services measured, by the most appropriate of the following methods:

(1) *Multiple housing units.* By equitably prorating among the occupants, the combined costs, determined through metering or measuring the overall service, if possible, or otherwise by estimating same and by applying prevailing rates for comparable private rental housing in the community or survey area used for comparison of rental rates.

(2) *Single family units.* By comparison with the estimated cost of such service to occupants of comparable private rental housing at the time base rental rates are established, affirmed, or adjusted through a private rental market survey.

(3) *Bunkhouses/dormitories.* Where bunkhouses or dormitory quarters are provided, the rental rates shall combine the charges for shelter, furnishings, utilities, and related services into a single monthly, bi-weekly, weekly, or daily rate.

In either paragraph (a) or (b) of this section, the utility charge shall be adjusted whenever changes occur in the prevailing rates for comparable services in the locality or by annual application of the Consumer Price Index (CPI).

#### § 114-52.205 Establishment of charges for furnishings.

(a) Charges to occupants of rental quarters for furnishings (freezers, window air conditioners, washer, dryer, etc.) when provided by the Government will be established as follows:

(1) By comparison with the cost of such service to tenants of comparable private rental housing when base rental rates are established, affirmed, or adjusted through a survey of the private rental market; or

(2) If direct comparison is not available, through application of replacement cost from a national schedule furnished by PAM.

(b) Central air conditioning will be considered to be real property, not an appliance or furnishing, and an adjustment will be made in the appraisal or regional survey as part of the base rental rate. Window unit air conditioners are items of personal property and the proper separate charge will be made administratively for them.

(c) A fireplace in a dwelling is part of the real estate and will be considered in the appraisal or survey process when comparing properties. No adjustment will be made for this item as a personal property furnishing or appliance.

#### § 114-52.206 Records.

To facilitate program review and coordination, quarters rental files will

be maintained at the installation, approving office, and headquarters levels. The minimum record requirements for each of these levels are outlined fully in the DQH.

#### § 114-52.207 Periodic adjustments of base rental rates and related charges.

To ensure that rental rates and related charges reflect changes in the private rental market, rent schedules and the charges for utilities, services, and furnishings will be affirmed or adjusted at periodic intervals as provided in the OMB Circular A-45 and the DQH.

#### Subpart 114-52.3—Administrative Adjustments to Base Rental Rates

##### § 114-52.301 Adjustment policies.

(a) Once the base rental rates are established, whether by appraisal or regional survey, certain administrative adjustments to the rates, reflecting special circumstances of occupancy, are authorized by OMB Circular A-45. Complete instructions for application of these adjustments are contained in the DQH, available to all employees. The adjustments authorized by section 7c of the Circular are to be used, when and as appropriate, to establish "... reasonable value of the quarters to the employee" and to reflect the circumstances under which the quarters are provided, occupied, or made available.

(b) *Adjustment limitation.* The total amount deducted for all reasons must not be excessive, resulting in a rental rate to the occupant that is less than the reasonable value of the quarters, since this would constitute a supplement of salary in contravention of law. The rental rate, after all adjustments and the addition of charges for furnishings, must not be less than 50 percent of the base rental rate, unless an adjustment for isolation has been made. In such instances, the rental rate may be set at not less than 40 percent of the base rental rate.

(c) *Public rentals.* Where the rental of quarters is not in furtherance of a Government program objective but to raise revenue in the interim between official occupancy or pending disposal action, the rental rate shall not be subject to any of the administrative adjustments authorized under this Subpart. Instead, an appraisal of the fair market value (economic rental) of the property will be required. See Subpart 114-52.7 for instructions on how such rentals are to be handled.

(d) The absence of a finding in the project or installation files that an administrative adjustment has been



made for any or all of the administrative adjustments outlined in §§ 114-52.302 thru 114-52.310, shall constitute a determination that no adjustment for the forgoing shall be made. Employee tenants may seek application of said adjustments, if warranted, upon written application and submission of documentation to the installation housing office.

#### § 114-52.302 Isolated locations.

In some cases, the Government supplies quarters in locations where minimal community services are available, but only at some distance from the quarters. In addition, travel conditions or mode of transportation serve to further isolate some employees from minimal community services. In such situations, the head of an agency shall grant a reasonable adjustment to the base rent in accordance with OMB Circular A-45 and the DQH.

#### § 114-52.303 Site amenities.

Establishment of the base rental rate under OMB Circular A-45 procedures employs the presumption that the Government quarters occupy identical lot as the private rental comparable. Thus, only the salient differences in the structures are subject to comparison and adjustment.

(a) The guidelines in the DQH are to be applied by each bureau in determining whether GFQ have superior, equal, or inferior site amenities as compared to private rental housing in the nearby communities surveyed. The factors listed below are generally, but not always, present in the communities surveyed. If present, their contributory value will have been included in the base rent. The lack of availability of any of these items at the quarters location should be reflected as a negative percentage adjustment to the base rental rate. Similarly, an upwards percentage adjustment should be made in the base rental rate for quarters possessing site amenities which are not present in the survey or appraisal communities used to establish the base rent. The standards to be used for determining the presence or absence of the amenity factors listed below appear in OMB Circular A-45 and the DQH.

(1) Reliability and adequacy of water supply.

(2) Reliability and adequacy of electric service.

(3) Reliability and adequacy of fuel for heating, cooling, and cooking.

(4) Reliability and adequacy of police protection.

(5) Reliability and adequacy of fire protection.

(6) Reliability and adequacy of sanitation service.

(7) Reliability and adequacy of telephone service.

(8) Absence of noise and odors.

(9) Miscellaneous Improvements.

(b) *Documentation.* Whenever it is determined that certain of the amenity factors for a given quarters are either inferior or superior to comparable private rental market housing, documentation supporting the decision must be included in the appraisal or survey report and the installation quarters file.

#### § 114-52.304 Impositions on privacy or living space.

Administrative adjustments to the base rental rate are allowed if the living space or privacy of the occupant is restricted. In each such case, the bureau will make a determination of the specific conditions, making certain that they have not already been reflected in establishing the base rental rate.

#### § 114-52.305 Temporary quarters/maintenance of two households.

Where permanent personnel occupy rental quarters while performing assigned work, they may be transferred to a field location under certain conditions. Where it is necessary for an employee to maintain two households for the convenience of the Government, one permanent and one temporary, and he or she is not eligible for per diem, the rental rate for the rental quarters may be adjusted so that the combined housing costs (exclusive of utilities) which the employee must pay over a twelve-month period is not excessively burdensome.

#### § 114-52.306 Inadequate size.

Where an employee, because of the lack of available housing or rental quarters, is required to accept quarters which are inadequate in size for the needs of his family, a deduction not to exceed 10 percent of the base rental rate is allowed.

#### § 114-52.307 Excessive size or quality.

At some locations, due to program needs or a lack of available alternative housing, an employee may be required to occupy rental quarters which are larger or of better quality than he would select in a private community. The rental quarters must be clearly in excess of his family's needs. In such instances, the quarters would not constitute "reasonable value" to the employee. In these circumstances, the base rent may be reduced by up to 10 percent, in direct proportion to the degree of excess.

#### § 114-52.308 Excessive heating and cooling.

Where GFQ are determined to be inadequately constructed or insulated so that the annual heating/cooling costs are excessive (and not attributable to tenant actions) the Government shall reimburse, in accordance with the DQH and OMB Circular A-45, the costs 25% over and above the average estimated for comparable private housing.

#### § 114-52.309 Administrative review.

Each bureau shall establish a system of review to determine the appropriateness of initial adjustments to the base rental rate and the continued applicability of such adjustments.

(a) Administrative adjustment factors subject to modification or termination should be reviewed each year prior to any annual adjustment § 114-52.207, to determine whether actions such as provided for in such administrative adjustment is still warranted. Example: an adjustment for inferior telephone service should be eliminated if adequate service is installed.

(b) A system should be established whereby field leaders provide notification to the appropriate quarters administering office of a basis for modifying current adjustments.

#### § 114-52.310 Adjustment for possessory interest tax payments.

Where an employee-tenant provides evidence of payment of a possessory interest tax based upon the value, as determined by a State or local taxing authority, of the tenant's use and occupancy of Government-owned quarters, the amount of the tax will be returned to the employee without interest, either by offset against future rent payments or by lump sum payment, as determined by the agency.

#### § 114-52.311 Administrative relief.

Where the head of a bureau or office believes that extreme circumstances exist for specific housing situations such as to cause the rental rate, established pursuant to OMB Circular No. A-45, as revised, and these Departmental regulations, to be unreasonable, he will refer such situations to the Director, PAM. Bureau heads will ensure that all other avenues (e.g., reassignment, private sector rentals, etc.) have been exhausted prior to making such a request. If the circumstances appear to warrant such extraordinary relief, PAM will refer the case to the Office of Management and Budget for consideration.



## Subpart 114-52.4—Implementation of New and Revised Rental Rates

### § 114-52.401 New quarters.

(a) No housing is to be used as quarters unless approval of the appropriate program Assistant Secretary, or the head of the bureau if the approval authority is redelegated, has first been obtained. Requests to provide quarters shall be submitted on Justification for New or Replacement Quarters, Form DI 1871, or similar form.

(b) Where additional quarters are approved for use as employee housing, the monthly rental charge for the quarters, utilities, furnishings, and related services are to be established and communicated to the employee prior to occupancy of the quarters.

### § 114-52.402 Existing quarters.

The revised monthly rental charges for quarters, furnishings, utilities, and related services, when and as applicable, shall become effective in accordance with the following guidelines.

(a) *Adjustments.* The annual (interim year) adjustments to the rental rate shall be based upon changes in the rental series CPI and shall become effective at the beginning of the first full pay period which starts on or after February 1 of each year. Because the CPI adjustment action is mandated by OMB Circular A-45, it is not subject to request for reconsideration or appeal (see 114-52.6). The CPI adjustment shall be applied to:

- (1) Base rental rate.
- (2) Furnishings, where no adjustment is made at least annually to reflect actual replacement costs.
- (3) Utilities, where the utilities are flat rated (not metered or otherwise measured), and no adjustment review is conducted at least annually to ensure application of current domestic rate schedules.

(4) Related services, where no documented review is conducted at least annually to determine current prevailing charges in the locality or survey area or where no similar service is available in the surrounding community.

(b) *Resurveys.* Where the private rental market is resurveyed or appraised in accordance with the guidelines contained in OMB Circular A-45 and IPMR 114-52 et seq., the rental charges shall be implemented as soon as possible after completion of the survey or appraisal.

### § 114-52.403 Tenant notification.

(a) Where revised rental charges are to be implemented, whether due to resurvey, appraisal, or CPI adjustment

actions, the monthly rental charges (biweekly payroll charge) shall not be implemented until *at least 30 days after* the tenant shall have received notification *in writing* of the basis for and amount of the charge. This notice should also inform the tenant of their right to request reconsideration of the rental rate and to which office or official(s) they must submit the request. (See § 114-52.602)

(b) Notice shall be effective upon placing the notice in the United States mail for by-hand delivery to the employee. Automatic implementation of revised rental rates shall be made at least 30 days after such notice.

### § 114-52.404 Rental period.

Rates shall be established on a biweekly basis for quarters, utilities, services, and furnishings, except that rates for dormitory rooms and similar accommodations may be set on a daily, weekly, or monthly basis. Monthly rates shall be converted to biweekly rates by multiplying by 0.4615 or to daily rates by dividing by 30.

## Subpart 114-52.5—Program Coordination

### § 114-52.501 General.

Intradepartmental and interdepartmental coordination of the quarters program is the responsibility of PAM. This includes determining survey boundaries, scheduling and coverage of surveys, coordination with other Agencies, approving the annual budget and reviewing and approving survey results.

### § 114-52.502 Bureau responsibilities.

Bureaus should ensure that one individual is assigned the responsibility for implementation of these regulations and for program coordination.

## Subpart 114-52.6—Employee Participation and Appeals

### § 114-52.601 Employee participation in rate setting processes.

Employees occupying GFQ shall be furnished upon request the criteria and procedures (i.e., a copy of OMB Circular A-45 and/or the survey or appraisal report) followed in establishing the rental rates for such quarters, utilities, furnishings, and services. Bureau conducted presurvey and postsurvey meetings with the employees are recommended as an effective means of ensuring a full disclosure and understanding of survey actions. Employees should be afforded an opportunity, individually or through employee organizations, to have their views and representations considered

during the rental ratemaking process. However, they should understand that rental rates are not negotiated.

Employee-tenants or representatives of employee organizations may not accompany a person conducting a survey of private rental market comparables.

### § 114-52.602 Requests for reconsideration and appeals.

(a) *Requests for reconsideration.* A request for reconsideration is the first step in the appeal process. It is a written request by the employee-tenant for reconsideration of any aspect of the rate establishment process. It is a prerequisite to an appeal to the Office of Hearings and Appeals. Only employee-tenants may request reconsideration of rental rate determinations. Other occupants may not seek reconsideration or subsequent appeal.

(1) Employee-tenants may request reconsideration of rental rates, adjustments, or other charges whenever they believe the quarters have been improperly classified or rates have not been established within these guidelines or those of the OMB Circular A-45. The request for reconsideration shall be made in writing, outlining in detail the basis for the request and the names of all occupants participating in the request for reconsideration. The request shall be filed with the appropriate office or official(s) within 20 days following receipt of the notice of change in rate.

(2) The filing of a request for reconsideration shall not serve to delay implementation of the revised rental rates. However, the employee shall be credited with whatever overpayment, if any, resulted during the period from the date the rental increase became effective to the date the rate is modified. Conversely, the employee shall pay the Government whatever underpayment, if any, resulted during this period.

(3) The bureau reviewing official shall issue a decision on a request for a reconsideration within 30 days of receiving it. The failure of the responsible bureau official to issue a decision within 30 days of receiving a request for reconsideration shall be deemed a decision of denial, and grounds for appeal.

(4) The employee-tenant shall have the burden of proof on a request for reconsideration and subsequent appeal as to questions of fact.

(b) *Appeals.* An appeal is a written request by the employee to the Office of Hearings and Appeals (OHA), 4015 Wilson Boulevard, Arlington, VA 22203, for an examination of the issues raised in a request for reconsideration. The



appeal shall be filed within 20 days of receipt of a decision on a request for reconsideration. The filing of a request for reconsideration and a decision thereon, are prerequisites to an appeal. The Director, OHA, shall refer the appeal to an Ad Hoc Board consisting of one or more persons. The decision of the Ad Hoc Board shall be final. The appeal to the OHA shall be the sole procedure for appeal from the bureau reviewing official's decision on reconsideration. Appeals shall be subject to the following conditions:

(1) Matters not raised in the initial request for reconsideration shall not be considered on appeal.

(2) Appeals undertaken as to either existing or proposed rates shall be adjudicated as of the date the rate increases were implemented.

(3) The filing of an appeal shall not result in postponing implementation of a proposed rate pending adjudication of the appeal.

(4) Where an appeal results in a revision of the rental rate, the employee shall be credited with whatever overpayment, if any, resulted during the period from the date the rental increases were implemented to the date of the appeal decision. Conversely, the employee shall pay the Government whatever underpayment, if any, resulted during this period.

(5) PAM shall have the right to intervene in any appeal concerning the quarters program. The OHA shall direct a copy of all incoming appeals to PAM. A separate copy shall be sent to the Associate Solicitor—Division of General Law, who shall appoint a Departmental Counsel to represent the Department before the Ad Hoc Board in those cases where PAM intervenes. When PAM desires to intervene, it shall do so in writing to the appellant and OHA within 20 days of receiving its copy of the appeal. Thereafter, the appellant shall furnish copies of all submissions on appeal to PAM.

(6) An appeal shall list the errors alleged with specificity, along with the names of all occupants participating in the appeal. No errors or occupants shall be considered that have not been so listed. A failure to specify the errors alleged is cause for summary dismissal of the appeal by the Ad Hoc Board.

(7) Except as otherwise specifically provided herein, an appeal shall be conducted in conformance with 43 CFR Part 4, Subparts A, B, and C.

(c) If an employee is in official leave or travel status at the time rates are issued, the time period for filing a request for reconsideration or appeal shall be extended accordingly.

(d) Implementation of the regularly scheduled CPI adjustment shall not serve as a vehicle for reexamination of the survey process or appraisal. This may only be done within 20 days of receipt of the original notice of change in rate resulting from a survey or appraisal.

#### **Subpart 114-52.7—Non-Federal (Private Party) Quarters Rentals**

##### **§ 114-52.701 General.**

(a) Where Departmental-owned or -leased quarters are unoccupied pending possible future program use or disposal as excess to program needs, it is in the Government's interest to have the quarters occupied. When the quarters are leased to private parties, the rates and charges for the quarters and facilities shall be determined in accordance with the provisions of this subpart.

(b) Rental to a private party (general public) includes rental to any person, not an Interior employee, whose occupancy is not directly related to performance of a contract, memorandum of understanding, or other formal agreement between the bureau or office managing the quarters and another cooperating Federal or State agency or with a contractor providing services or supplies to the managing bureau or office.

##### **§ 114-52.702 Basic policy.**

User charges for Departmental-owned or -leased quarters rented on an interim basis to private parties are controlled by the policies and principles set forth in OMB Circular No. A-25, as revised. That policy provides, "... a fair market value rental should be obtained (when rented to the public). Charges are to be determined by the application of sound business management principles, and so far as practicable and feasible in accordance with comparable commercial practices. Charges need not be limited to recovery of costs; they may produce net revenues to the Government."

##### **§ 114-52.703 Rate determination.**

(a) The establishment of fair market value rental rates (also known as "economic rent") shall be based upon accepted real estate valuation principles. Under such circumstances, it would be inappropriate to base the charges upon the quarters valuation guidelines promulgated pursuant to OMB Circular No. A-45, as revised. The Departmental guidelines (IPMR 114-52.2 and 114-52.3) are not designed to produce fair market value rental rates.

(b) To establish the fair market value rental rate, an appraisal shall be accomplished in accordance with the following requirements:

(1) The appraisal shall be conducted by a professional fee appraiser or a similarly qualified staff appraiser.

(2) The appraisal shall establish the "economic rent," taking into consideration all relevant factors including the imposition of any special terms and conditions required by the Government.

(3) The valuation process shall be adequately documented and the appraisal approved by a qualified review appraiser.

##### **§ 114-52.704 Interim rental of excess quarters.**

When a determination is made that quarters excess to a bureau's program needs are not required in support of another Federal agency program, the bureau, with GSA approval, may lease the quarters for non-Federal use. Prior to granting non-Federal use, the bureau must comply with the requirements of IPMR 114-47.802.50 and FPMR 101-47.20-39.

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BILLING CODE 4310-10-M

## **DEPARTMENT OF TRANSPORTATION**

### **National Highway Traffic Safety Administration**

#### **49 CFR Part 533**

[Docket No. FE 86-02; Notice 1]

#### **Light Truck Average Fuel Economy Standards; Request for Comments**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Request for comments.

**SUMMARY:** This notice requests comments to assist the agency in carrying out its rulemaking responsibilities concerning average fuel economy standards for light trucks. Section 502(b) of the Motor Vehicle Information and Cost Savings Act requires NHTSA to issue light truck average fuel economy standards at least 18 months before the beginning of each model year. The agency has established standards through model year 1988 and has proposed standards for model year 1989. NHTSA is now in the process of beginning a rulemaking analysis to determine the level of light truck average fuel economy standards for model years after 1989. This notice



requests information to assist the agency in developing that analysis.

**DATE:** Written comments on this notice must be submitted in time to be received by the agency no later than November 17, 1986.

**ADDRESSES:** Comments on this notice must refer to the docket and notice numbers set forth above and be submitted (preferably in 10 copies) to the Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC 20590. Submissions containing information for which confidential treatment is requested should be submitted (3 copies) to Chief Counsel, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street SW., Washington, DC 20590, and 7 additional copies from which the purportedly confidential information has been deleted should be sent to the Docket Section.

**FOR FURTHER INFORMATION CONTACT:** Mr. L. Robert Shelton III, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, (202) 366-0846.

**SUPPLEMENTARY INFORMATION:** The appendix to this notice consists of a number of questions directed toward light truck manufacturers, regarding fuel economy data for the 1990 and 1991 model years. The agency recognizes that manufacturer product plans may not be formally approved through model year 1991 and that questions such as those on the cost of fuel economy related actions are difficult ones. The agency would appreciate responsive answers to these questions, however, so that appropriate weight can be given to the many factors whose magnitude at this time can only be roughly estimated.

While the questions in the appendix are directed toward manufacturers, the agency invites comments from all interested persons concerning the questions asked and how information provided in response to the questions should be used by the agency.

NHTSA is providing a 60-day comment period. It is requested that 10 copies be submitted. In view of the number of questions and the detail of information requested, the agency is waiving its usual requirement that comments be limited not to exceed 15 pages in length.

All comments received before the close of business on the comment closing date indicated above will be considered and will be available for examination in the docket at the above address both before and after that date.

To the extent possible, comments filed after the closing date will also be considered. NHTSA will continue to file relevant material in the docket as it becomes available after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation (49 CFR Part 512).

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with the comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

#### List of Subjects in 49 CFR Part 533

Energy conservation, Gasoline, Imports, Motor vehicles.

(Sec. 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2002); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued: September 11, 1986.

Barry Felice,

Associate Administrator for Rulemaking.

#### Appendix

##### I. Definitions

As hereinafter used in this appendix:

1. The terms "automobile," "fuel economy," "manufacturer," and "model year," have the meaning given them in section 501 of the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 2001.

2. The term "basic engine" has the meaning given in 40 CFR 600.002-85(a)(21). When identifying a basic engine, respondent should provide the following information:

- (i) Engine displacement (cubic inches).
- (ii) Number of cylinders or rotors.
- (iii) Cylinder configuration (V, in-line, etc.).
- (iv) Number of carburetor barrels, if applicable.
- (v) Other engine characteristics, abbreviated as follows:

DD—Direct Injection Diesel  
ID—Indirect Injection Diesel

R—Rotary

TB—Throttle Body Fuel Injection S.I. (Spark Ignition)

MP—Multiport Fuel Injection S.I.

TD—Turbocharged Diesel

TS—Turbocharged S.I.

FFS—Feedback Fuel System, carbureted

3. "Variants of existing engines" means versions of an existing basic engine that differ from that engine in terms of displacement, method of aspiration, induction system or that weigh at least 25 pounds more or less than that engine.

4. "Light truck" means an automobile of the type described in 49 CFR 523.5.

5. "Percent fuel economy improvement" means that percentage which corresponds to the amount by which respondent could improve the fuel economy of vehicles in a given model class through the application of a specified technology, averaged over all vehicles of that model or in that class which could feasibly use the technology. Projections of percent fuel economy improvement should be based on the assumption of maximum efforts by respondent to achieve the highest possible fuel economy increase through the application of the technology. The baseline for determination of percent fuel economy improvement is the level of technology and vehicle performance with respect to acceleration and gradeability for respondent's 1986 model year light trucks in the equivalent class.

6. "Percent production implementation rate" means the percentage which corresponds to the maximum number of light trucks of a specified class which could feasibly employ a given type of technology if respondent made maximum efforts to apply the technology by a specified model year.

7. "Possession" means possession, custody or control.

8. "Production percentage" means the percent of respondent's light trucks of a specified model projected to be manufactured in a specified model year.

9. "Project" or "Projection" refers to the best estimates made by respondent, whether or not based on less than certain information.

10. "Relating to" means constituting, defining, containing, explaining, embodying, reflecting, identifying, stating, referring to, dealing with, or in any way pertaining to.

11. "Respondent" means each manufacturer (including all its divisions) providing answers to the questions set forth in this appendix, and its officers, employees, agents or servants.

12. "Test weight" is used as defined in 40 CFR 86.082-2.



13. "Transmission class" is used as defined in 40 CFR 600.002-85(22)(a). When identifying a transmission class, respondent must also indicate whether the transmission is equipped with a lockup torque converter (LUTC), a split torque converter (SIC), and/or a wide gear ratio range (WR) and specify the number of forward gears.

14. The term "van" is used as defined in 40 CFR 86.082-2.

15. The term "cargo-carrying volume," "gross vehicle weight rating" (GVWR), and "passenger-carrying volume" are used as defined in 49 CFR 523.2.

16. For the purposes of this appendix, the term "utility vehicle" means a form of light truck, either two-wheel drive (4x2) or four-wheel drive (4x4), which has a wheelbase of 110 inches or less and is exemplified by a Jeep Wrangler or Cherokee, a Chevrolet Blazer, a Dodge Ramcharger, Ford Bronco, or a Toyota Land Cruiser.

17. "Redesign" means any change, or combination of changes, to a vehicle that would change its weight by 50 pounds or more or change its frontal area or aerodynamic drag coefficient by 2 percent or more.

18. "Domestically manufactured" is used as defined in section 503(b)(2)(E) of the Act.

19. For the purposes of this appendix, a "class" of light trucks means a group (e.g., domestically produced 4x2 light trucks) for which average fuel economy standards are set.

20. For the purposes of this appendix, a "model" of light truck is a line, such as the Chevrolet C-10 or Astro, Ford F150 or E100, Jeep Wrangler, etc., which exists within a class. Model type" is used as defined in 40 CFR 600.002-85(a)(22).

21. "Truckline" means the name assigned by the Environmental Protection Agency to a different group of vehicles within a make or car division in accordance with that agency's 1987 model year truck, van (cargo vans and passenger vans are considered separate truck lines) and special vehicle criteria.

## II. Assumptions

All assumptions concerning emission standards, noise and damageability regulations safety standards, etc., should be listed and described in detail by the respondent.

## III. Specifications

1. For each model year 1990 and 1991, please provide, separately, the following information for your projected 4x2 light truck fleet and 4x4 light truck fleet:

- Sales weighted average test weight.
- Sales weighted average engine displacement.

- Sales weighted average N/V (engine speed to vehicle speed ratio in top gear, rpm/mph).

- Sales weighted average horsepower-to-test weight ratio.

- Sales weighted average fuel economy.

2. Identify all light truck models currently offered for sale whose production you project discontinuing before or during MY 1991 and identify the last model year in which each will be offered.

3. Identify all basic engines offered by respondent in MY 1986 light trucks which respondent projects ceasing to offer for sale in light trucks before or during MY 1991, inclusive, and identify the last model year in which each will be offered.

4. Does the respondent currently project offering for sale any new or re-designed light trucks, including vehicles smaller than those now produced, during either model year 1990 or 1991? If so, provide the following information for each model (e.g., Chevrolet C10, Ford E150). Model types which are essentially identical except for their nameplates (e.g., Dodge Caravan/Plymouth Voyager) may be combined into one item. See Table A for a sample format: 4x2 and 4x4 light trucks are different models.

- Body types to be offered for sale (e.g., regular cab, super cab). Provide passenger-carrying volume, number of seating positions, and cargo-carrying volume.

- Description of basic engines, including optional horsepower and torque ratings, if any; displacement; number and configuration of cylinders; and type of carburetor or fuel injection system.

- Transmission type (manual, automatic, number of forward speeds, overdrive, etc., as applicable), including gear ratios and final drive, alternative ratios offered, and driveline configuration.

- (i) The range of GVW ratings to be offered for each body type.

- (ii) The range of test weights offered for each body type.

- All wheelbases.

- Estimated power absorption unit (PAU) setting, in hp.

- All external dimensions (total length, width, and height).

- The range of projected fuel economies on the EPA composite driving cycle for each body type in the initial model year of production.

- Project introduction date (model year).

- Projected sales for each model year from the projected year of introduction through MY 1991, expressed both as an

absolute number of units sold and as a percentage of all light trucks sold by respondent.

- If other than domestically manufactured, so state.

- Projections of:

- (i) Existing models replaced by new models.

- (ii) Reduced sales of respondent's existing models as a result of the sale of each of the new models.

- (iii) New sales not captured from any of the respondent's existing models.

5. Does respondent project introducing any variants of existing basic engines or any new basic engines, other than those mentioned in your response to Question 4, in its light truck fleets in model years 1990 and 1991? If so, for each basic engine or variant indicate:

- The projected year of introduction.

- Type (e.g., conventional, diesel or stratified charge).

- Displacement.

- Type of carburetion or fuel injection.

- Cylinder configuration (e.g., V-8, V-6, I-4, etc.).

- Horsepower and torque ratings, and

- Models in which engines are to be used, giving the introduction model year for each model if different from "a," above.

6. For each of the model years 1990 and 1991, and for each light truck model projected to be manufactured by respondent (if answers differ for the various models), provide the requested information for each of items "a" through "m" listed below:

- A description of the nature of the technological improvement;

- The percent fuel economy improvement averaged over the model, if answers vary within the model;

- The basis for your answer to 6(ii) (e.g., data from dynamometer tests conducted by respondent, engineering analysis, computer simulation, reports of test by others);

- The percent production implementation rate and the reasons limiting the implementation rate;

- A description of the 1986 baseline technologies; and

- The reasons for differing answers you provide to items (ii) and (iv) for different models in each model year. Include as a part of your answer to 6(ii) and 6(iv) a tabular presentation, a sample portion of which is shown in Table B.

- Improved automatic transmissions. Projections of percent fuel economy improvements should include a description of how the benefits are to be obtained.



b. Improved manual transmissions. Projections of percent fuel economy improvement should include the benefits of increasing mechanical efficiency, using improved transmission lubricants, and other measures (specify).

c. Overdrive transmissions. If not covered in "a" or "b" above, project the percent fuel economy improvement attributable to overdrive transmissions (integral or auxiliary gear boxes), two-speed axles, or other similar devices intended to increase the range of available gear ratios. Describe the devices to be used and the application by model, engine, axle ratio, etc.

d. Use of engine crankcase lubricants of lower viscosity or with additives to improve friction characteristics, accelerate engine break-up, or otherwise improved lubricants to lower engine friction horsepower. When describing the 1986 baseline, specify the viscosity of and any fuel economy-improving additives used in the factory-fill lubricants.

e. Reduction of engine parasitic losses through improvement of engine-driven accessories or accessory drives. Typical engine-driven accessories include water pump, cooling fan, alternator, power steering pump, air conditioning compressor, and vacuum pump.

f. Reduction of tire rolling losses, through changes in inflation pressure, use of materials or constructions with less hysteresis, geometry changes (e.g., increased aspect ratio), reduction in sidewall and tread deflection, and other methods. When describing the 1986 baseline, include a description of the tire types used and the percent usage rate of each type.

g. Reduction in other driveline losses, including losses in the non-powered wheels, the differential assembly, wheel bearings, universal joints, brake drag losses, use of improved lubricants in the differential and wheel bearings, and optimizing suspension geometry (e.g., to minimize tire scrubbing loss).

h. Reduction of aerodynamic drag.

i. Turbocharging.

j. Improvements in the efficiency of spark ignition engines including (a) increased compression ratio; (b) leaner air-to-fuel ratio; (c) revised combustion chamber configuration; (d) fuel injection; (e) electronic fuel metering; (f) interactive electronic control of engine operating parameters (spark advance, exhaust gas recirculation, air-to-fuel ratio); (g) variable valve timing or valve lift, and (h) other methods (specify).

k. Naturally aspirated diesel engines, with direct or indirect fuel injection.

l. Turbocharged diesel engines with direct or indirect fuel injection.

m. Stratified-charge reciprocating or rotary engines, with direct or indirect fuel injection.

7. For each model of respondent's light truck fleet projected to be manufactured in each of model years 1990 and 1991, describe the methods used to achieve reduction in average test weight. For each specified model year and model, describe the extent to which each of the following methods for reducing vehicle weight will be used. Separate listings shall be used for 4x2 light trucks and 4x4 light trucks.

a. Substitution of materials.

b. "Downsizing" of existing vehicle design to reduce weight while maintaining interior roominess and comfort for passengers, and utility, i.e., the same, or approximately the same, payload and cargo volume using the same basic body configuration and driveline layout as current counterparts.

c. Use of new vehicle body configuration concepts which provide reduced weight for approximately the same payload and cargo volume.

8. For each model year 1990 and 1991, list all projected light truck model types and provide the information specified in "a" through "k" below for each model type.

The information should be in tabular form, with a separate table for each model year. Domestic and non-domestic model types are to be listed separately. Each of the two groupings is to be subdivided into separate listings for models with 4x2 and 4x4 drive systems. Engines having the same displacement but belonging to different engine families are to be grouped separately.

The vehicles are to be sorted first by truckline, second by basic engine, and third by transmission type. For these groupings, the average test weights are to be placed in ascending order. List the categories of information in terms "a" through "j" below in the order specified from left to right across the top of the table. Include in the table for each model year the total sales-weighted harmonic average fuel economy and average test weight for imported and domestic light trucks for each truckline and for all of the respondent's light trucks.

a. Truckline, e.g., C10, J10, F150, B150. Model types which are essentially identical except for their nameplates (e.g., Chevrolet S10/GMC S15 and Dodge Caravan/Plymouth Voyager) may be combined into one line item.

b. Light truck vehicle type, e.g., compact pickup, cargo van, passenger van, utility, truck-based station wagon, and chassis cab. Other light truck designations, which are adequately

defined, can be used if these are not suitable.

c. Basic engine: Include the engine characteristics used in Definition 2.

d. Transmission class (e.g., A3, A4, A40D, M5, CVT): Include the characteristics used in Definition 13.

e. Average N/V, rounded to one decimal place.

f. Average equivalent test weight.

g. Average PAU setting: Provide the value and show whether the value (or estimated value) is based on coastdown testing (T) or calculated from the vehicle frontal area (C). Round the PAU value to one decimal place.

h. Air conditioning: Y=air conditioning installations are projected to exceed 33 percent of the vehicles described in the line item; N=air conditioning installations are projected to be less than 33 percent of the vehicles described in the line item.

i. Composite fuel economy (sales weighted, harmonically averaged over the specified vehicles, rounded to the nearest 0.1 mpg).

j. Projected sales for the vehicles described in each line item.

9. For each transmission identified in response to 8(d) above, provide a listing showing whether the transmission is manual or automatic, the gear ratios for the transmission and the models which use the transmission.

10. Indicate any MY 1990 or 1991 light truck model types which have higher average equivalent test weights than comparable MY 1986 model types. Describe the reasons for any weight increases (i.e., increased option content, less use of premium materials) and provide supporting justification.

11. For each new or redesigned vehicle identified in response to Question 4 and each new engine or fuel economy improvement identified in your response to Questions 4, 5 and 6 provide your best estimate of the following in terms of constant 1986 dollars.

(a) Total capital costs required to implement the new/redesigned model or improvement according to the implementation schedules specified in your response. Subdivide the capital costs into tooling, facilities, launch, and engineering costs.

(b) The maximum production capacity, expressed in units of capacity per year, associated with the capital expenditure in (a) above. Specify the number of production shifts on which your response is based and define "maximum capacity" as used in your answer.

(c) The actual capacity that will be used each year for each new/redesigned model or fuel economy improvement.



(d) The increase in variable costs per affected unit, based on the production volume specified in (b) above.

(e) the equivalent retail price increase per affected vehicle for each new/redesigned model or improvement. Provide an example describing the methodology used to determine the equivalent retail price increase.

(f) Total research and development costs associated with the new/redesigned model or improvement.

(g) Total fixed costs (other than those identified in (a) above) associated with each new/redesigned model or improvement, based on production volumes specified in (b) above.

12. Please provide respondent's actual and projected U.S. light truck sales, 4x2 and 4x4, 0-8,500 lbs. GVWR and 8,501-10,000 lbs. GVWR for each model year from 1986 through 1991, inclusive. Please sub-divide the data into the following vehicle categories:

i. Standard Pickup Heavy (C-20/30, F-250/350, D-250/350)

ii. Standard Pickup Light (C-10, F-150, D-100)

iii. Compact Pickup (S-10, Ranger)

iv. Standard Cargo Vans Heavy (G-20/30, E-250/350, B-250/350)

v. Standard Cargo Vans Light (G-10, E-150, B-150)

vi. Standard Passenger Vans Heavy (G-20/30, E-250/350, B-250/350)

vii. Standard Passenger Vans Light (G-10, E-150, B-150)

viii. Compact Cargo Vans (Astro, Aerostar, Mini Ram Van)

ix. Compact Passenger Vans (Astro, Aerostar, Voyager)

x. Standard Utilities (C-10 Blazer, Bronco, Ramcharger)

xi. Compact Utilities (S-10 Blazer, Bronco II, Wrangler)

xii. Other (Suburban, El Camino, Eagle)

Provide separate tables for domestic and captive imports or vehicles with less than 75 percent domestic content. See Table C for sample format.

13. Please provide (a) historical and (b) your estimates of projected *total industry* U.S. light (0-10,000 lbs. GVWR)

truck sales for each model year from 1985 through 1991, inclusive. Please sub-divide the data into 4x2 and 4x4 sales and into the vehicle categories listed in the sample format in Table D.

14. For domestic manufacturers only: In previous rulemakings, the agency has used manufacturers' estimates of future capital spending to estimate the financial impact of alternative fuel economy standards. To permit similar comparisons in this rulemaking, please provide an estimate of your capital spending in North America for each year from 1986 through 1991. In addition, please provide an estimate of your total corporate capital spending and depreciation and amortization for each year from 1986 through 1991.

15. Please provide your company's assumptions for U.S. gasoline and diesel fuel prices during 1986-91.

16. Please provide projected production capacity available for the North American market (at standard production rates) for each of your company's light truckline designations during model years 1990 and 1991.

TABLE A—MODEL: LT-1B DRIVELINE CONFIGURATION: CONVENTIONAL 4x2: FRONT ENGINE/REAR DRIVE.

	Pass. volume	No. seating pos.	Cargo vol.	e. Wheel base	f. power absor. unit setting hp	g. External dimensions		
						L	W	H
a. Body Types:								
Regular Cab, Short Bed	Xft <sup>a</sup>	3	Yft <sup>a</sup>	115	8.0			
Regular Cab, Long Bed	Xft <sup>a</sup>	3	Zft <sup>a</sup>	133	8.5			
Extended Cab, Long Bed	X1ft <sup>a</sup>	4	Zft <sup>a</sup>	151	8.5			
Crew Cab, Long Bed	X2ft <sup>a</sup>	6	Zft <sup>a</sup>	170	9.0			

CID	Conf/No. cyl.	Carb	Hp/rpm	Torque/rpm
b. Basic Engines:				
235 <sup>1</sup>	V6	2V	x/3600	Y/1800
310	V8	2V		
340 <sup>2</sup>	V8	4V		
340 <sup>2</sup>	V8	MP		

<sup>1</sup> Not available with crew cab.

<sup>2</sup> Available only with HD 4-speed manual transmission or automatic transmission.

Manual 3-speed	Manual overdrive	Automatic	HD manual 4-speed
c. Transmission Types:			
1 3.00	1 3.00	1 2.50	1 6.50
2 1.75	2 1.75	2 1.50	2 3.60
3 1.00	3 1.00	3 1.00	3 1.80
R 3.15	4 .80	R 1.90	4 1.00
	R 3.15	IC 2.1	R 6.10
RAR 3.23/3.54/3.73	3.54/3.73	3.23/3.54	3.23/3.54/3.73

<sup>1</sup> Not available with 340 CID V8 engines.

	Body type	Range of test weights
d. Range of GVWR:		
6050-7000	Reg. Cab, Short Bed	4250-4500
6050-7200	Reg. Cab, Long Bed	4250-4500
6300-7400	Extended Cab, Long Bed	4500-5000
6300-7400	Crew Cab, Long Bed	4500-5000



Body	Range of composite fuel economy ratings for introduction year
h. Fuel Economy Values:	
Reg. Cab, Short Bed.....	14.0-16.0
Reg. Cab, Long Bed.....	13.8-15.8
Extended Cab, Long Bed.....	13.5-15.4
Crew Cab, Long Bed.....	13.0-15.1
i. and j. Projected Introduction and Sales through MY 1990:	
1990 (i) <sup>1</sup> .....	38,000
1991 (i) <sup>2</sup> .....	78,000

<sup>1</sup> Mid-year introduction

<sup>2</sup> Station wagon introduced

k. To be completed only if domestically manufactured.

1. (i) Redesign; replaced L1-1A.. (ii) The station wagon introduced in MY 1991 is expected to capture passenger car station wagon sales estimated at 4,000 units in 1991. (iii) The station wagon in (ii), above, is expected to capture a like amount of sales from competitors in each model year.

TABLE B.—TECHNOLOGICAL IMPROVEMENTS

Technological improvement	Percent fuel economy improvement	Percent production penetration	
		1990	1991
6(a).—Improved auto transmissions:			
LT-1	10	10	10
LT-2	8	10	10
LT-3	7.5	0	0
LV-1	10	12	14
LV-2	9	12	14
LV-3	7.5	0	0
U-1	10	10	10
6(b).—Improved manual transmissions:			
LT-1	4	30	30
LV-1	4	25	25
LV-2	4	25	25
U-1	4	30	30
6(c).—Overdrive transmission:			
LT-1	6	6	6
LV-1	6	4	4
LV-2	6	4	4
U-1	6	6	6

TABLE C.—AJAX 4x2 DOMESTIC LIGHT TRUCK SALES

[Model year]

	1986	1987	1988	1989	1990	1991
0-8,500 lbs. GVWR .....	509,379					
Standard Pickup Heavy .....	43,500					
Standard Pickup Light .....	120,000					
Compact Pickup .....	60,000					
Standard Cargo Van Heavy .....	10,000					
Standard Cargo Van Light .....	20,000					
Standard Passenger Van Heavy .....	29,310					
Standard Passenger Van Light .....	54,196					
Compact Cargo Van .....	38,900					
Compact Passenger Van .....	30,000					
Standard Utilities .....	53,800					
Compact Utilities .....	44,000					
Other .....	5,673					
8,501-10,000 lbs GVWR .....	5,500					
Standard Pickup Heavy .....	4,000					
Standard Utilities .....	1,000					
Other .....	500					
Grand Total .....	514,679					

TABLE D.—TOTAL U.S. TRUCK SALES

[model year]

[illegible]



TABLE D.—TOTAL U.S. TRUCK SALES—Continued

[model year]

	1985		1986		1987		1988		1989		1990		1991	
	Dom.	Imp.	Dom.	Imp.	Dom.	Imp.	Dom.	Imp.	Dom.	Imp.	Dom.	Imp.	Dom.	Imp.
2. Standard.....														
c. Cargo Vans:														
1. Compact.....														
2. Standard.....														
d. Utilities:														
1. Compact.....														
2. Standard.....														
3. Car Based.....														
e. Truck Based Station Wagons:														
f. Other:														
2. Light Trucks (4x4) [Same breakout as 4x2].														
3. Total Light Trucks (4x2 + 4x4).														

[FR Doc. 86-20894 Filed 9-15-86; 8:45 am]

BILLING CODE 4910-59-M

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Parts 611 and 685

[Docket No. 60964-6164]

## Foreign Fishing; Pelagic Fisheries of the Western Pacific Region

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

**SUMMARY:** NOAA issues and requests comments on this proposed rule to implement the conservation and management measures prescribed in the proposed Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (FMP). This FMP would replace the Preliminary Fishery Management Plan (PMP) for Pacific billfish, oceanic sharks, wahoo, and mahimahi for areas of the fishery conservation zone (FCZ) in the Pacific Ocean surrounding the Hawaiian Islands, Guam, American Samoa, and U.S. possessions. Accordingly, foreign pelagic fisheries in the FCZ around the Commonwealth of the Northern Mariana Islands (CNMI) and off the west coast of the United States (excluding Alaska) will continue to be governed by provisions of the PMP. The proposed rule would (1) establish new area closures for foreign longline vessels in the FCZ, (2) eliminate existing quotas on foreign longline catch in the open areas of the FCZ, (3) require foreign longline vessels to submit effort plans and report catch data and fishery interactions with protected species in the FCZ, (4) prohibit the use of drift gill nets in the FCZ, and (5) establish a process to obtain data on the incidental catch of pelagic fishes in the FCZ by tuna pole-and-line and purse

seine vessels. The intended effect of the proposed rule is to maintain the abundance and viability of the stocks to support both commercial and recreational fisheries.

**DATE:** Written comments on the proposed rule, and supporting documents must be received on or before October 24, 1986.

**ADDRESSES:** Comments on the FMP, the proposed rule, or the supporting documents should be sent to E. Charles Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731.

Copies of the FMP, the environmental assessment (EA), and the regulatory impact review (RIR) are available from Kitty B. Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405, Honolulu, HI 96813, 808-523-1368.

Comments on the collection-of-information requirement should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: Desk Officer for NOAA; Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Doyle E. Gates (Administrator, Western Pacific Program Office, Southwest Region, NMFS, Honolulu, Hawaii), 808-955-8831; or Svein Fougner (Chief, Fisheries Management and Analysis Branch, Southwest Region, NMFS, Terminal Island, California), 213-514-6660.

**SUPPLEMENTARY INFORMATION:****Background**

The FMP was developed by the Western Pacific Fishery Management Council (Council) under the authorization of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* (Magnuson Act). The FMP proposes a series of management measures for the pelagic fisheries in the FCZ off the coasts of Hawaii, American

Samoa, Guam, and the U.S. possessions. The management unit species in the FMP include several species of bill fish, oceanic sharks, wahoo, and mahimahi.

The FMP does not propose any management measures for the FCZ around the CNMI because the CNMI did not participate in Council actions at the time of FMP development. In addition, the Council did not take action to replace the PMP for the U.S. west coast. Accordingly, the fishery for pelagic species in the FCZ surrounding the CNMI and the FCZ off the U.S. west coast will continue to be managed under regulations at 50 CFR 611.81 implementing the PMP. The proposed new rule would revise 50 CFR 611.81 to incorporate the new provisions of the proposed FMP with the applicable provisions of the PMP.

The FMP was prepared by a team of State and Federal fishery scientists with substantial guidance from the Council's Billfish Advisory Subpanel, its Scientific and Statistical Committee, and the concerned public. Public hearings on the FMP were held in Hawaii, American Samoa, and Guam. A notice of availability of the FMP was published in the Federal Register on August 14, 1986.

**Need for the FMP**

Foreign longline fishing in the FCZ of the western Pacific is currently managed under the PMP which went into effect on April 1, 1980 (45 FR 14581, March 6, 1980). The objectives of the PMP are to conserve pelagic fisheries through selective controls on foreign harvesting vessels; to strengthen the fishery data base needed to assess status of the stocks; to minimize gear conflicts between domestic and foreign vessels; to promote the well-being of domestic fisheries; and to promote international cooperation in the management of pelagic fisheries. To accomplish these objectives the PMP established a system of quotas, reserves, nonretention



requirements, check-in and check-out procedures, and other measures.

While the stated intent of the PMP was to provide for continued foreign longline fishing in the FCZ, the result of these measures has been the complete cessation of all foreign longline fishing in the FCZ. Although this has met the goal of minimizing gear conflicts between foreign and domestic vessels, the PMP has failed to provide for a strengthened data base required for stock assessments and restricting access to the FCZ has contributed little to promoting international cooperation in the management of pelagic fisheries. The PMP is also deficient in that it encourages waste of the management unit species caught by foreign longline vessels in non-retention zones of the FCZ. Non-tuna species taken by longline gear in the non-retention zones must be discarded whether the fish are dead or alive.

The U.S. State Department, in cooperation with NMFS, will request voluntary submission of catch data for billfish, oceanic sharks, wahoo, and mahimahi taken incidentally to tuna fishing in the FCZ by these classes of vessels. If information on incidental catches is not obtained within one year of the effective date of this section, NMFS, in cooperation with the State Department, will consider the promulgation of mandatory reporting requirements for incidental catches in the FCZ by these classes of vessels.

The FMP will remedy the deficiencies in the PMP by easing access to the FCZ for foreign longline vessels. This will be accomplished by establishing closed and open areas in the FCZ and by eliminating burdensome catch quotas and non-retention requirements. Eliminating the non-retention requirements will also eliminate the wastage problem inherent in this provision and promote use of pelagic fisheries in the FCZ. In addition, the FMP will establish a data reporting procedure for permitted vessels and will seek submission of data on the incidental catch of management unit species by foreign pole-and-line and tuna purse seine vessels.

The FMP is also needed to provide a framework for promoting domestic recreational and commercial fisheries for the management unit species. A clear delineation of areas in the FCZ closed to foreign longline vessels will reserve the most important fishing grounds for domestic use and minimize the likelihood of gear conflicts. A prohibition on the use of drift gill nets except where authorized by an experimental fishing permit will provide a conservation safeguard from the non-

selective harvest of pelagic species and will ensure added protection for threatened and endangered species. An annual monitoring program for the pelagic fishery coupled with a formal review of the FMP in five years will allow the Council to assess the need for further management measures.

#### Management Strategy

The FMP proposes a set of management measures for both foreign and domestic pelagic fisheries in the FCZ. The majority of the proposed management measures, however, affect the foreign longline fishery and are limited to the areas of the FCZ surrounding the Hawaiian Islands, Guam, American Samoa, and the U.S. possessions. Proposed actions to manage the foreign pelagic fishery include the following.

**Area closures.** The FMP will prohibit foreign longline vessels from fishing in specified closed areas of the FCZ.

**Permits.** Foreign longline vessels would be required to obtain permits prior to fishing in the open areas of the FCZ. Other foreign vessels fishing in the FCZ would be required to obtain permits in order to retain their catch of non-tuna species.

**Observers.** Foreign longline vessels would be required to carry observers in accordance with the provisions of the Magnuson Act.

**Effort plans.** Foreign longline vessels would be required to file effort plans two months prior to entering the open areas of the FCZ for fishing purposes.

**Catch limits.** There would be no limit on the amount of fishing effort or catch made by foreign longline vessels in the open areas of the FCZ. Present catch quotas for the areas of the FCZ covered by the FMP would be eliminated. Catch limits for the FCZ surrounding the CNMI and the FCZ off the west coast of the United States as established in the PMP will remain in effect.

**Data collection.** The FMP establishes a procedure for reporting catch and effort data on the take of management unit species. The FMP also requires that the State Department and NMFS make efforts to secure the voluntary submission of data on the incidental catch of management unit species by foreign pole-and-line and tuna purse seine vessels fishing in the FCZ. In order to monitor fishery interactions with protected species the FMP also requires foreign longline vessels to report such interactions within 60 days of leaving the FCZ.

**Drift gill nets.** The FMP would prohibit the use of drift gill nets by foreign vessels in the FCZ.

Domestic vessels engaged in the pelagic fishery in the FCZ would be subject to no additional restrictions other than a prohibition on the use of drift gill nets except where authorized by an experimental fishing permit issued by NMFS. In order to monitor the fishery on a systematic basis and formally assess the need for additional management measures the FMP requires the preparation of an annual report on the fishery by a plan monitoring team appointed by the Council and calls for a full review of the FMP five years after implementation.

#### Optimum Yield

The Council has determined that management of the pelagic fishery according to the measures outlined in the FMP will achieve optimum yield (OY) from the fishery. Notwithstanding the nonnumeric definition of OY, the Council has estimated a quantitative OY of the management unit species combined for the subareas of the FCZ in the western Pacific, as shown below.

Numerical Estimates of Foreign and Domestic Catch for the Management Unit Species Combined

(In metric tons)

FCZ area	Foreign catch (TALFF)	Domestic catch (DAH)	Total OY
Hawaii	250	1,295	1,545
Guam	15	103	118
CNMI	78	9	87
American Samoa	95	5	100
U.S. Possessions	268		268
Total	706	1,412	2,118

The Council has concluded that the domestic annual harvest (DAH) is the amount of each species in the management unit that will be caught by domestic vessels in the FCZ fishing in accordance with the measures contained in the FMP. Numerical estimates of DAH for the management unit species combined are given in the table above.

The Council does not propose any limits on the effort or catch of foreign longliners under the FMP and, therefore, has established a non-numeric definition for the total allowable level of foreign fishing (TALFF). Numerical estimates of the amounts of management unit species that might be taken by foreign longliners in the FCZ are also indicated in the table above.

#### Classification

Section 304(a)(1)(c)(ii) of the Magnuson Act, as amended, requires the Secretary of Commerce (Secretary) to publish regulations proposed by a



Council within 30 days of receipt of the FMP and regulations. At this time the Secretary has not determined that the FMP these rules would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

The Council prepared an environmental assessment as part of the FMP and concluded that there will be no significant impact on the environment as a result of this rule.

The Administrator of NOAA determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. The present action will not have a cumulative effect on the economy of \$100 million or more nor will it result in a major increase in costs to consumers, industries, government agencies, or geographical regions. No significant adverse effects on competition, employment, investment, productivity, innovation, or competitiveness of U.S.-based enterprises are anticipated. The Council prepared a regulatory impact review which concludes that this rule will have the following economic effects.

Domestic fishermen will not be directly affected by the proposed rule but could indirectly benefit from the closure of certain areas in the FCZ to foreign fishing. As a result, the estimated exvessel value of commercial fish landings of all species in Hawaii of \$17.9 million in 1983 and \$29.4 million in 1984 may increase somewhat as competition with foreign fishermen in those areas declines. While foreign fishing will be prohibited from certain areas, it is expected that foreign fishermen can recover any losses by relocating in open areas within or outside the FCZ. Foreign fishermen will also benefit from the withdrawal of regulations regarding catch and effort limits on foreign vessels.

You may obtain a copy of this review from the Council at the address listed above.

This proposed rule is exempt from the review procedures of E.O. 12291 under section 8(a)(2) of that order. Deadlines imposed under the Magnuson Act, as amended by Pub. L. 97-453, require the Secretary to publish this proposed rule 30 days after its receipt. The proposed rule is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow procedures of the order.

The General Counsel of the Department of Commerce certified to the Chief Counsel for Advocacy of the

Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small businesses because the majority of actions in the proposed rule are directed at foreign fishing vessels which are not covered by the Regulatory Flexibility Act. The only action in the proposed rule that affects domestic fishermen directly at this time is the need for fishermen who wish to use drift gill-net gear to apply for a permit and to submit information on their operations. At the present time, no domestic drift gill-net vessels are operating in the FCZ of the Western Pacific Region. As a result, a regulatory flexibility analysis was not prepared.

This rule contains a collection of information requirement subject to the Paperwork Reduction Act (PRA). Responses to requests for information will be necessary in applying for experimental fishing permits as required by the FMP. A request to collect this information has been submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the PRA. Other reporting requirements contained in the rule making are approved under OMB control number 0648-0075.

The Council has determined, and the appropriate State and territorial government offices have found, that the measures established in the FMP are consistent to the maximum extent practicable with the approved coastal zone management programs of Hawaii and the territories of American Samoa and Guam.

The Council requested a consultation and biological opinion on the FMP under section 7 of the Endangered Species Act (ESA). NMFS issued a biological opinion on September 17, 1985, which concluded that the FMP is not likely to jeopardize any threatened or endangered species within the FMP's geographical scope. The biological opinion recommended that the FMP provide authority for NMFS to require the submission of reports on fishery interactions with protected species. Reporting requirements to this effect are contained in the proposed rule.

#### List of Subjects

##### 50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

##### 50 CFR Part 685

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: September 11, 1986.

Carmen J. Blondin,  
Deputy Assistant Administrator for Fisheries  
Resource Management, National Marine  
Fisheries Service.

For the reasons set forth in the preamble, 50 CFR Part 611 is proposed to be amended and Chapter VI of 50 CFR is proposed to be amended by adding a new Part 685 to read as follows:

#### PART 611—[AMENDED]

1. The authority citation for 50 CFR Part 611 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 971 *et seq.*, 22 U.S.C. 1971 *et seq.*, and 16 U.S.C. 1361 *et seq.*

2. Section 611.81 would be revised to read as follows:

§ 611.81 Pacific billfish, oceanic sharks, wahoo, and mahimahi fishery.

(a) *Purpose*—(1) *General*. This section regulates all foreign fishing conducted under a Governing International Fishery Agreement which involves the catching of any species of bill fish, oceanic shark, wahoo, or mahimahi (dolphin) in the fishery conservation zone (FCZ) of the United States in the Pacific Ocean, excluding the portion of the FCZ seaward of Alaska.

(2) *Definitions*. For the purposes of this section, these terms have the following meanings:

*Billfish* means broadbill swordfish (*Xiphias gladius*), blue marlin (*Makaira nigricans*), black marlin (*Makaira indica*), striped marlin (*Tetrapturus audax*), sailfish (*Istiophorus platypterus*) and shortbill spearfish (*Tetrapturus angustirostris*).

*Closed area* means that area of the FCZ in which foreign longline vessels subject to this section are prohibited from fishing.

*Drift gill net* means a floating rectangular net with one or more layers of mesh which is set vertically in the water.

*Mahimahi* means "dolphin fish" (*Coryphaena hippurus* and *Coryphaena equisetis*).

*Non-retention zone* means that area of the FCZ in which all billfish, oceanic sharks, wahoo, mahimahi, and other fish caught by foreign longline vessels in the course of fishing under this section must be returned to the sea in accordance with the requirements of paragraph (j)(5) of this section.

*Oceanic sharks* means sharks of the families Carcharhinidae, Alopiidae, Sphyrnidae, and Lamnidae.

*Regional Director* means the Director of the Southwest Region, National



Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, telephone number: 213-514-6196; or a designee.

**Retention zone** means that area of the FCZ in which foreign longline vessels subject to this section may retain billfish, oceanic sharks, wahoo, and mahimahi to the extent that retention is authorized by this section.

**Wahoo** means fish of the species *Acanthocybium solanderi*.

(b) **Permits.** All foreign longline vessels which intend to fish must have a permit issued under § 611.3.

(c) **Vessel and gear identification.** All permitted vessels subject to this section must comply with the vessel and gear identification requirements of § 611.5.

(d) **Observers.** Permitted vessels subject to this section must comply with the observer requirements of § 611.8.

(e) **Prohibited species.** The owner or operator of each foreign vessel must minimize its catch or receipt of prohibited species and must report the vessels activities as prescribed in § 611.11 of the Foreign Fishing Regulations.

(f) **Vessel reporting.** The operator of each foreign fishing vessel must report the vessels activities as prescribed in § 611.4 and in the formats specified in Appendix B to Subpart A of the Foreign Fishing Regulations.

(g) **Collection and reporting of data.** In lieu of the requirements of § 611.4(f)(2) and § 611.9 (d) and (e), the following data collection and reporting requirements will apply.

(1) **Daily cumulative catch log.** All permitted vessels fishing under this section must maintain a daily cumulative catch log in English. This log must contain on a daily and cumulative basis data on all billfish, oceanic shark, wahoo, mahimahi, and other fish caught in the FCZ during the permit period. Logbooks will be provided by NMFS and must be maintained aboard the vessel for the duration of the permit period. Logbooks must be mailed to the Regional Director not later than 30 days following the completion of fishing or must be hand delivered to the NMFS observer aboard the vessel upon his request. Information for each fishing area must be maintained on a separate page of the log. The log must contain the following information:

(i) Name and international radio call sign of the vessel;

(ii) Permit number;

(iii) Fishing area and area code number where fishing is conducted (see paragraph D of Appendix C to Subpart A);

(iv) Date;

(v) Noon-day position of vessel, within one-tenth degree of latitude and longitude;

(vi) Number and round weight (in kilograms) of each species (by species codes found in Appendix D to Subpart A) of billfish, oceanic sharks, wahoo, and mahimahi caught and retained each day and cumulatively;

(vii) Number of each species (by species codes) of billfish, oceanic shark, wahoo, mahimahi, and other fish caught and released each day and cumulatively;

(viii) Number of fish of each species released alive, each day and cumulative; and

(ix) Number of hooks set by type of bait or any other measure of fishing effort which may be specified by the Regional Director.

(2) **Quarterly catch report.** Each foreign nation whose permitted vessels fish under this section must submit, through the designated representative, a report for each calendar quarter containing, on a vessel-by-vessel basis, the following information:

(i) Name and international radio call sign of the vessel;

(ii) Permit number;

(iii) Month and day of the last day of the period covered by the report; and

(iv) For each fishing area where fishing occurred during the reporting period—

(A) Number and round weight of each allocated species caught and retained to the nearest tenth of a metric ton;

(B) Number of each species of billfish, oceanic shark, wahoo, mahimahi, and other fish caught and released during the reporting period;

(C) Number of fish of each species released alive;

(D) Total number of hooks set, by type of bait or any other measure of fishing effort which may be specified by the Regional Director;

(E) Number of days fished in the FCZ during the reporting period; and

(F) Average number of hooks set per day fished, by type of bait or any other measure of fishing effort which may be specified by the Regional Director.

(3) **Report of marine mammal and sea turtle incidental catch.** Each foreign nation whose permitted vessels fish under this section must submit, through the designated representative, a report

of marine mammal and sea turtle incidental catch in the manner prescribed by § 611.4(f)(4) within 60 days of leaving the FCZ in lieu of weekly reports. (Permits issued under this section do not authorize the take and retention of marine mammals and sea turtles in the FCZ).

(4) **Submission of reports.** The quarterly reports required by paragraph (g)(2) of this section must be submitted within 60 days of the end of each calendar quarter to the Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, telephone number: 213-514-6196.

(5) **Reporting of incidental catch by non-permitted tuna harvesting vessels.** [Reserved].

(h) **Management area groups.** For the purposes of this section, the FCZ of the Pacific Ocean (excluding the FCZ seaward of Alaska) is divided into two management area groups as follows:

(1) **FMP management area group.** The areas of the FCZ off the coasts of the Hawaiian and Midway Islands, Guam, American Samoa, and U.S. possessions are governed by the provisions of the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (FMP) and are designated the FMP Management Area Group.

(2) **FMP management area group.** The areas of the FCZ off the U.S. west coast and the coasts of the Commonwealth of the Northern Mariana Islands are governed by the provisions of the Preliminary Fishery Management Plan for Billfish, Oceanic Sharks, Wahoo, and Mahimahi (PMP) in the Pacific Ocean and are designated the PMP Management Area Group.

(i) **Authorized fishery—FMP Management Area Group.**

(1) **General.** Foreign vessels subject to this section are authorized to fish in the FCZ of the Hawaiian and Midway Islands, Guam, American Samoa, and the U.S. possessions subject to the requirements of this section.

(2) **Zones.** The FMP Management Area Group comprises the following closed areas and retention zones (each of which is measured from the baselines used to measure the U.S. territorial sea) described in Table 1:

TABLE 1

Management Area	Closed Area	Retention Zone
Hawaiian Islands.....	(1) Within 150 nautical miles off the main Hawaiian Islands (islands east of 161° W. longitude); and	(1) Between 150 and 200 nautical miles off the Main Hawaiian Islands; and



TABLE 1—Continued

Management Area	Closed Area	Retention Zone
Guam <sup>1</sup> .....	(2) Within 100 nautical miles of the Northwestern Hawaiian Islands including Midway (islands west of 161° W longitude). Within 150 nautical miles of Guam.....	(2) Between 100 and 200 nautical miles off the Northwestern Hawaiian Islands. Between 150 and 200 nautical miles off Guam.
American Samoa.....	(1) Within a rectangle around the Tutuila and Manua Islands of American Samoa bounded by 14° and 15° S. latitude and 168° to 171° W. longitude; and (2) Within a one-degree (1') square surrounding Swain's Island bounded by 10°33' to 11°33' S. latitude and 170°34' to 171°34' W. longitude.	(1) Areas of the FCZ outside the rectangle bounded by 14° to 15° S. latitude to 170° W. longitude; and (2) Areas of the FCZ outside the one-degree (1') square surrounding Swain's Island.
U.S. possessions.....	Within 12 nautical miles of shore.	Between 12 and 200 nautical miles off-shore (except Midway Islands).

<sup>1</sup> The northern boundary of the FCZ off the coast of Guam extends to those points which are equidistant between Guam and the island of Rota in the Commonwealth of the Northern Mariana Islands.

(3) *Effort plans.* Foreign longline vessels which desire to fish in the FMP Management Area Group are required to file effort plans two (2) months prior to entering the retention zones of the FCZ for fishing purposes. Effort plans must indicate the dates when fishing is expected to begin and cease and must specify the areas of the FCZ where the vessels intend to operate. Effort plans must be submitted to the Administrator, Western Pacific Program Office, NMFS, 2570 Dole Street, Honolulu, HI 96822, telephone number: 808-955-8831.

(4) *Catch and effort.* There will be no limit on the amount of fishing effort or the catch of billfish, oceanic sharks, mahimahi, and wahoo made by foreign longline vessels in the retention zones described in Table 1 of paragraph (i) of this section.

(5) *Closed areas.* Foreign longline vessels subject to this section are

prohibited from fishing within the closed areas described in Table 1 of paragraph (i) of this section.

(6) *Driftgill nets.* The use of driftgill nets in the FMP Management Area Group is prohibited.

(j) *Authorized fishery—PMP Management Area Group.*

(1) *General.* Foreign longline vessels subject to this section are authorized to fish in the FCZ of the Northern Mariana Islands and the U.S. west coast beyond 12 miles from the baseline used to measure the U.S. territorial sea, subject to the requirements of this section. Only foreign longline vessels are eligible for permits to fish in the PMP Management Area Group.

(2) *Zones.* The PMP Management Area Group comprises the following non-retention and retention zones (each of which is measured from the baselines used to measure the U.S. territorial sea) described in the following table:

Management Area	Non-retention Zone	Retention Zone
West Coast.....	Between 12 and 100 nautical miles off-shore.	Beyond 100 nautical miles.
Northern Mariana Islands <sup>1</sup> Rota, Tinian, Aguijan and Saipan.	Between 12 and 50 nautical miles from Tinian, Aguijan, Rota, and Saipan.	Between 50 nautical miles. Beyond 12 nautical miles of the remaining islands of the Northern Mariana Islands.

Closed areas: Foreign longline vessels subject to paragraph (j) of this section are prohibited from fishing within 12 nautical miles of the U.S. west coast and the Northern Mariana Islands.

<sup>1</sup> The southern boundary of the FCZ off the coast of the Northern Mariana Islands extends to those points which are equidistant between Guam and the island of Rota.

(3) *Total allowable level of foreign fishing (TALFF), joint venture processing (JVP), national allocations, and reserves.*

(i) *TALFF, reserve, and JVP amounts.* The TALFFs, amounts of fish held in reserve, and amounts of JVP are published in the *Federal Register*. Current TALFFs, reserves, and JVPs are also available from the Regional Director.

(ii) *TALFF and national allocations.*

(A) The total amount of each species of billfish, oceanic sharks, wahoo, and mahimahi which may be caught and retained in each area of the PMP Management Area Group by foreign vessels subject to paragraph (j) of this section is limited to the TALFF for each applicable area and to the amount of the applicable national allocation.

(B) No foreign vessels subject to paragraph (j) of this section may catch and retain billfish, oceanic sharks, wahoo, and mahimahi within the non-

retention zones set out in the table at paragraph (j)(2) of this section.

(iii) *Determination.*

(A) As soon as practicable after September 1 of each year, and upon receipt of a written request from a foreign nation, the Regional Director, Southwest Region, will determine, for each species for which a reserve has been established, the amount of fish which has been harvested to date by U.S. vessels in each applicable area.

(B) If the Regional Director determines that the amount of fish of a species harvested by vessels of the United States in an area is less than 80 percent of the expected domestic harvest for that species in that area, the Regional Director will apportion to TALFF the entire amount of the reserve for the applicable species in the applicable area. No reserve amounts will be apportioned to TALFF if domestic vessels have harvested 80 percent or more of the expected domestic harvest for that species in the applicable area by the date of this determination.

(iv) *Notice.* The Assistant Administrator for Fisheries, NOAA, will publish in the *Federal Register* a notice of each determination made under paragraph (j)(3)(iii) of this section.

(4) *Cancellation of authority to retain.*

(i) The authority of a foreign longline vessel to retain an applicable species is cancelled—

(A) When the national allocation for the applicable species is reached; or

(B) At the date and time specified in the notification issued by the Assistant Administrator under paragraph (j)(4)(ii) of this section.

(ii) The Assistant Administrator will determine, on the basis of the information specified in § 611.13, when the TALFF or optimum yield (OY) of a billfish species, oceanic sharks, wahoo, or mahimahi in an area of the PMP Management Area Group will be reached. At least forty-eight hours before the applicable TALFF or OY will be reached, the Assistant Administrator will notify both the affected foreign nation(s) and the designated representative for any affected fishing vessel that authority to retain the applicable species is cancelled.

(iii) Any cancellation under paragraph (j)(4) of this section will remain in effect until a new or increased allocation becomes available.

(iv) The closure provisions of § 611.13 do not apply to foreign longline vessels fishing subject to paragraph (j) of this section.

(5) *Prohibited species.*



(i) *General.* The following are prohibited species under paragraph (j) of this section.

(A) All species of fish over which the United States exercises exclusive fishery management authority and for which there is no national allocation;

(B) All billfish, oceanic sharks, wahoo, and mahimahi caught in excess of an applicable OY, TALFF, or national allocation; and

(C) All billfish, oceanic sharks, wahoo, and mahimahi caught in a non-retention zone. (See the table at paragraph (j)(2) of this section.)

(ii) *Treatment.* All prohibited species will be treated in accordance with § 611.11.

(iii) *Additional requirements for billfish and oceanic sharks.* Unless otherwise specifically instructed by a U.S. observer or authorized officer, all prohibited billfish and oceanic sharks must be released by cutting the line (or by other appropriate means) without removing the fish from the water.

(iv) *Rebuttal of presumption.* Foreign vessels fishing subject to paragraph (j) of this section may rebut the presumption of § 611.11 (d) by—

(A) Storing all prohibited species caught outside the FCZ in a separate part of the vessel's hold which can be sealed, and arranging inspection and sealing of the vessel's hold by U.S. authorities before commencing fishing in the FCZ or in non-retention zones; or

(B) Other reasonable means which may be authorized by the Regional Director if, in consultation with the U.S. Coast Guard, the Regional Director determines that special circumstances warrant alternative arrangements.

(v) *Procedures for hold sealing.*

(A) Inspection and sealing of a foreign vessel's hold may be arranged by contacting the Southwest Region Office, National Marine Fisheries Service, 2570 Dole Street, Honolulu, HI 96822, telephone number: 808-955-8831, at least 48 hours in advance of the date for which inspection is requested.

(B) Ports at which such inspections may be made are Honolulu and Kahului, Hawaii; Agana, Guam; and San Diego, California.

(C) Additional ports for hold inspections may be arranged with the Regional Director.

(vi) *Other requirements.* The designation of ports for hold inspection and sealing does not modify any port entry arrangements or requirements (if any) of Governing International Fishery Agreements or the notification requirements of any other laws or regulations of the United States.

3. Part 685 would be added as follows:

## PART 685—PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION

### Subpart A—General Provisions

Sec.

685.1 Purpose and scope.

685.2 Definitions.

685.3 Relation to State laws.

685.4 Reporting requirements.

685.5 General prohibitions.

685.6 Facilitation of enforcement.

685.7 Penalties.

685.8 Experimental fishing permits (EFPs).

### Subpart B—Management Measures

685.21 Prohibition on drift gill netting.

685.22 Annual report.

685.23 Five-year review.

Authority: 16 U.S.C. 1801 *et seq.*

### Subpart A—General Provisions

#### § 685.1 Purpose and scope.

(a) The regulations in this part govern fishing for billfish and associated species by fishing vessels of the United States in the fishery conservation zone (FCZ) off the coasts of Hawaii, American Samoa, Guam, and the U.S. possessions.

(b) Regulations governing fishing for billfish and associated species by fishing vessels other than vessels of the United States are published at 50 CFR Part 611.

(c) These regulations implement the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region (FMP) developed by the Western Pacific Regional Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act).

#### § 685.2 Definitions.

In addition to the definitions in the Magnuson Act, the terms used in this part have the following meanings (some definitions in the Magnuson Act have been repeated here to aid understanding of the regulations):

*Administrator* means the Administrator of the National Oceanic and Atmospheric Administration (NOAA), or a designee.

*Associated species* refers to the following species managed by the FMP:

(a) *Mahimahi* means "dolphin fish" (*Coryphaena hippurus* and *Coryphaena equisetis*);

(b) *Oceanic sharks* means sharks of the families Carcharhinidae, Alopiidae, Sphyrnidae, and Lamnidae; and

(c) *Wahoo* means fish of the species *Acanthocybium solanderi*.

*Authorized officer* means:

(a) Any commissioned, warrant, or petty officer of the U.S. Coast Guard.

(b) Any special agent of the National Marine Fisheries Service.

(c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary of Commerce and the Commandant of the U.S. Coast Guard to enforce the provisions of the Magnuson Act; or

(d) Any U.S. Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

*Billfish* means broadbill swordfish (*Xiphias gladius*), blue marlin (*Makaira nigricans*), black marlin (*Makaira indica*), striped marlin (*Tetrapturus audax*), sailfish (*Istiophorus platypterus*), and shortbill spearfish (*Tetrapturus angustirostris*).

*Drift gill net* means a floating rectangular net with one or more layers of mesh which is set vertically in the water.

*Fishery conservation zone (FCZ)* means that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal states to a line each point of which is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

*Fishery management area* means the fishery conservation zone off the coasts of Hawaii, American Samoa, Guam, and U.S. possessions in the western Pacific. The outer boundary of the fishery management area north of Guam extends to those points which are equidistant between Guam and the island of Rota in the Commonwealth of the Northern Mariana Islands. This definition does not include the FCZ off the coasts of the Commonwealth of the Northern Mariana Islands.

*Fishing* means:

(a) The catching, taking, or harvesting of fish;

(b) The attempted catching, taking or harvesting of fish;

(c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(d) Any operations at sea in support of, or in preparation for, any activity described above.

(e) This term does not include any scientific research activity which is conducted by a scientific research vessel.

*Fishing vessel* means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for

(a) Fishing; or

(b) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but



not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

*Land or landing* means to begin offloading any fish, to arrive in port with the intention of offloading any fish, or to cause any fish to be offloaded.

*Magnuson Act* means the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*, as amended.

*Maximum sustainable yield (MSY)* means an average over a reasonable length of time of the largest catch which can be taken continuously from a stock.

*Official number* means the documentation number issued by the U.S. Coast Guard or the certificate number issued by a State or by the U.S. Coast Guard for undocumented vessels.

*Operator*, with respect to any vessel, means the master or other individual on board and in charge of that vessel.

*Owner, with respect to any vessel, means*

(a) Any person who owns that vessel in whole or in part;

(b) Any charterer of the vessel, whether bareboat, time, or voyage;

(c) Any person who acts in the capacity of a charterer including but not limited to parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function, or operation of the vessel; or

(d) Any agent designated as such by a person described in paragraph (a), (b), or (c) of this definition.

*Person* means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local or foreign government or any entity of any such government.

*Regional Director* means the Southwest Regional Director, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, or a designee.

*Secretary* means the Secretary of Commerce or a designee.

*State* means the State of Hawaii, the Territory of American Samoa, and the Territory of Guam.

*Vessel of the United States* means

(a) A vessel documented or numbered by the U.S. Coast Guard under U.S. law; or

(b) A vessel, under five net tons, which is registered under the laws of any State.

#### § 685.3 Relation to State laws.

This part recognizes that any State law which pertains to vessels registered under the laws of that State while in the fishery management area, and which is

consistent with the FMP including any State landing law, will continue in effect with respect to fishing activities regulated under this part.

#### § 685.4 Reporting requirements.

This part recognizes that catch and effort data necessary for implementing the FMP are collected by the State of Hawaii, American Samoa, and Guam under existing State data collection programs. No additional Federal reports are required of fishermen or processors as long as the data collection and reporting systems operated by the State agencies continue to provide the Secretary with statistical information adequate for management.

#### § 685.5 General prohibitions.

(a) It is unlawful for any person to do any of the following:

(1) Possess, have custody or control of, ship or transport, offer for sale, sell, purchase, import or export any billfish or associated species taken, retained, or landed in violation of the Magnuson Act, this part, or any other regulation promulgated under the Magnuson Act;

(2) Refuse to allow an authorized officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Magnuson Act, this part, or any other regulation promulgated under the Magnuson Act;

(3) Forcibly assault, resist, oppose, impede, intimidate, or interfere with any authorized officer in the conduct of any inspection or search described in paragraph (b) of this section;

(4) Resist a lawful arrest for any act prohibited by this part;

(5) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, with the knowledge that such other person has committed any act prohibited by this part;

(6) Interfere with, obstruct, delay, or prevent by any means a lawful investigation or search conducted in the process of enforcing the Magnuson Act;

(7) Transfer, or attempt to transfer, directly or indirectly, any U.S.-harvested billfish or associated species to any foreign fishing vessel within the FCZ, unless the foreign vessel has been issued a permit which authorizes the receipt of U.S.-harvested fish of the species being transferred;

(8) Fail to comply immediately with enforcement and boarding procedures specified in § 685.6;

(9) Fish for billfish or associated species in violation of any terms or conditions attached to an experimental

fishing permit (EFP) issued under § 685.8; or

(10) Fish for billfish or associated species using gear prohibited under § 685.21 or under an EFP issued under § 685.8.

(b) It is unlawful to violate any other provision of this part, the Magnuson Act, or any other regulation or permit promulgated under the Magnuson Act.

#### § 685.6 Facilitation of enforcement.

(a) *General.* The operator of, or any other person aboard, any fishing vessel subject to this part must immediately comply with instructions and signals issued by an authorized officer to stop the vessel and with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, fishing record (where applicable), and catch for purposes of enforcing the Magnuson Act and this part.

(b) *Communications.* (1) Upon being approached by a U.S. Coast Guard vessel or aircraft, or other vessel or aircraft with an authorized officer aboard, the operator of a fishing vessel must be alert for communications conveying enforcement instructions.

(2) If the size of the vessel and the wind, sea, and visibility conditions allow, loudhailer is the preferred method for communicating between vessels. If use of a loudhailer is not practicable, and for communications with an aircraft, VHF-FM or high frequency radiotelephone will be employed. Hand signals, placards, or voice may be employed by an authorized officer and message blocks may be dropped from an aircraft.

(3) If other communications are not practicable, visual signals may be transmitted by a flashing light directed at the vessel signaled. Coast Guard units will normally use the flashing light signal "L" as the signal to stop.

(4) Failure of a vessel's operator to stop his vessel when directed to do so by an authorized officer using loudhailer, radiotelephone, flashing light signal, or other means constitutes *prima facie* evidence of the offense of refusal to permit an authorized officer to board.

(5) The operator of a vessel who does not understand a signal from an enforcement unit and who is unable to obtain clarification by loudhailer or radiotelephone must consider the signal to be a command to stop the vessel instantly.

(c) *Boarding.* The operator of a vessel directed to stop must

(1) Guard Channel 16, VHF-FM if so equipped;

(2) Stop immediately and lay to or maneuver in such a way as to allow the



authorized officer and his party to come aboard;

(3) Except for those vessels with a freeboard of four feet or less, provide a safe ladder, if needed, for the authorized officer and his party to come aboard;

(4) When necessary to facilitate the boarding or when requested by an authorized officer, provide a manrope or safety line, and illumination for the ladder; and

(5) Take such other actions as necessary to facilitate boarding and to ensure the safety of the authorized officer and the boarding party.

(d) *Signals.* The following signals, extracted from the International Code of Signals, may be sent by flashing light by an enforcement unit when conditions do not allow communications by loudhailer or radiotelephone. Knowledge of these signals by vessel operators is not required. However, knowledge of these signals and appropriate action by a vessel operator may preclude the necessity of sending the signal "L" and the necessity for the vessel to stop instantly.

(1) "AA" repeated (.-. -.)<sup>1</sup> is the call to an unknown station. The operator of the signaled vessel should respond by identifying the vessel by radiotelephone or by illuminating the vessel's identification.

(2) "RY-CY" (-. --- -. ---) means "you should proceed at slow speed, a boat is coming to you" This signal is normally employed when conditions allow an enforcement boarding without the necessity of the vessel being boarded coming to a complete stop, or, in some cases, without retrieval of fishing gear which may be in the water.

(3) "SQ3" (-. --- -. ---) means "You should stop or heave to; I am going to board you."

(4) "L" (-.-) means "You should stop your vessel instantly."

#### § 685.7 Penalties.

Any person or fishing vessel committing or used in the commission of a violation of this part is subject to the civil and criminal penalty provisions and civil forfeiture provisions prescribed in the Magnuson Act, and to 15 CFR Part 904 (Civil Procedures), and any other applicable law.

#### § 685.8 Experimental fishing permits (EFPs).

(a) *General.* The Secretary may authorize, for limited experimental purposes, the direct or incidental harvest of billfish or associated species

managed by the FMP which would otherwise be prohibited by this part. No experimental fishing may be conducted unless authorized by an EFP issued by the Secretary in accordance with the criteria and procedures specified in this section. EFPs will be issued without charge.

(b) *Application.* An applicant for an EFP must submit to the Regional Director at least 60 days before the desired effective date of the EFP a written application including, but not limited to, the following information:

- (1) The date of the application;
- (2) The applicant's name, mailing address, and telephone number;
- (3) A statement of the purposes and goals of the experiment for which an EFP is needed, including a general description of the arrangements for disposition of all species harvested under the EFP;
- (4) A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals;
- (5) For each vessel to be covered by the EFP:

- (i) Vessel name;
  - (ii) Name, address, and telephone number of owner and master;
  - (iii) U.S. Coast Guard documentation, State license, or registration number;
  - (iv) Home port;
  - (v) Length of vessel;
  - (vi) Net tonnage; and
  - (vii) Gross tonnage.
- (6) A description of the species (directed and incidental) to be harvested under the EFP and the amounts of such harvest necessary to conduct the experiment;

(7) For each vessel covered by the EFP, the approximate times and places fishing will take place, and the type, size, and amount of gear to be used; and

(8) The signature of the applicant.

(c) The Secretary may request from an applicant additional information necessary to make the determinations required under this section. An applicant will be notified of an incomplete application within 10 working days of receipt of the application. An incomplete application will not be considered until corrected in writing.

(d) *Issuance.* (1) If an application contains all of the required information, the Secretary will publish a notice of receipt of the application in the *Federal Register* with a brief description of the proposal, and will give interested persons an opportunity to comment. The Secretary will also forward copies of the application to the Western Pacific Fishery Management Council, the U.S. Coast Guard, and the fishery

management agency of the affected State, accompanied by the following information:

(i) The current utilization of domestic annual harvesting and processing capacity (including existing experimental harvesting, if any) of the directed and incidental species for which an EFP is being requested;

(ii) A citation of the regulation or regulations which, without the EFP, would prohibit the proposed activity; and

(iii) Biological information relevant to the proposal.

(2) At a Western Pacific Fishery Management Council meeting following receipt of a complete application, the Secretary will consult with the Council and the Director of the affected State fishery management agency concerning the permit application. The applicant will be notified in advance of the meeting at which the application will be considered, and invited to appear in support of the application if the applicant desires.

(3) Within 5 working days after the consultation in paragraph (c)(2) of this section, or as soon as practicable thereafter, the Secretary will notify the applicant in writing of the decision to grant or deny the EFP, and, if denied, the reasons for the denial. Grounds for denial of an EFP include, but are not limited to, the following:

(i) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with his or her application;

(ii) According to the best scientific information available, the harvest to be conducted under the permit would detrimentally affect any species of fish in a significant way;

(iii) Issuance of the EFP would inequitably allocate fishing privileges among domestic fishermen or would have economical location as its sole purpose;

(iv) Activities to be conducted under the EFP would be inconsistent with the intent of this section or the management objectives of the FMP;

(v) The applicant has failed to demonstrate a valid justification for the permit; or

(vi) The activity proposed under the EFP would create a significant enforcement problem.

(4) The decision of the Secretary to grant or deny an EFP is final and unappealable. If the permit is granted, the Secretary will publish a notice in the *Federal Register* describing the experimental fishing to be conducted under the EFP. The Secretary may

<sup>1</sup>Period (.) means a short flash of light and dash (-) means a long flash of light.



attach terms and conditions to the EFP consistent with the purpose of the experiment including, but not limited to:

(i) The maximum amount of each species which can be harvested and landed during the term of the EFP, including trip limits, where appropriate;

(ii) The number, sizes, names, and identification numbers of the vessels authorized to conduct fishing activities under the EFP;

(iii) The times and places where experimental fishing may be conducted;

(iv) The type, size, and amount of gear which may be used by each vessel operated under the EFP;

(v) The condition that observers be carried aboard vessels operated under an EFP;

(vi) Data reporting requirements; and  
(vii) Such other conditions as may be necessary to assure compliance with the purposes of the EFP consistent with the objectives of the FMP.

(e) *Duration.* Unless otherwise specified in the EFP or a superseding notice or regulation, an EFP is effective for no longer than one year unless revoked, suspended, or modified. EFPs may be renewed following the application procedures in this section.

(f) *Alteration.* Any permit that has been altered, erased, or mutilated is invalid.

(g) *Transfer.* EFPs issued under this part are not transferable or assignable. An EFP is valid only for the vessel(s) for which it is issued.

(h) *Inspection.* Any EFP issued under this part must be carried aboard the vessel(s) for which it was issued. The EFP must be presented for inspection upon request of any authorized officer.

(i) *Sanctions.* Failure of the holder of an EFP to comply with the terms and conditions of an EFP, the provisions of Subpart B of this part, any other applicable provision of this part, the Magnuson Act, or any other regulation promulgated thereunder, is grounds for revocation, suspension, or modification of the EFP with respect to all persons and vessels conducting activities under the EFP. Any action taken to revoke, suspend, or modify an EFP will be governed by 15 CFR Part 904 Subpart D,

or 50 CFR Part 621. Other sanctions available under the statute will be applicable.

(j) *Protected Species.* Vessels fishing under an EFP are required to report any incidental take or fisheries interaction with protected species on a form provided for that purpose. Reports must be submitted to the Regional Director within 3 days of arriving in port.

#### Subpart B—Management Measures

##### § 685.21 Prohibition on drift gill netting.

Fishing with drift gill nets in the management area is prohibited, except where authorized by an experimental fishing permit issued under § 685.8 of this part.

##### § 685.22 Annual report.

By June 30 of each year, a plan monitoring team appointed by the Council will prepare an annual report on the domestic and foreign fisheries for billfish and associated species in the management area.

##### § 685.23 Five-year review.

Within five years of the effective date of this FMP, the Council, in cooperation with the NMFS and State and Territorial agencies, will conduct a full review of the FMP. The review will assess the effectiveness of the FMP in meeting with the Council's objectives and the need for changes in any management measures, including adjustments in area closure to foreign longline fishing and adding data collection or reporting requirements for the domestic fisheries which take billfish and associated species.

[FR Doc. 86-20822 Filed 9-11-86; 11:14 am]

BILLING CODE 3510-22-M

#### 50 CFR Part 642

#### Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of public hearings and request for comments.

**SUMMARY:** The Gulf of Mexico Fishery Management Council will hold public hearings to review Amendment 2 to the Coastal Migratory Pelagic Resources (Mackerel) FMP. Copies of Amendment 2 are available through the Gulf of Mexico Fishery Management Council.

**DATES:** See **SUPPLEMENTARY INFORMATION** for dates and locations of the hearings. All hearings will begin at 7:00 p.m., and will adjourn at 10:00 p.m. Public comments are invited through October 22, 1986.

**ADDRESSES:** See **SUPPLEMENTARY INFORMATION** for locations of the hearings. Written comments should be sent to the Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 W. Kennedy Boulevard, Tampa, Florida 33609.

**FOR FURTHER INFORMATION CONTACT:** Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 813-228-2815.

**SUPPLEMENTARY INFORMATION:** The hearings are scheduled as follows:

September 29, 1986—Texas A&M Research and Extension Center, Highway 44 (4 miles west of the airport), Corpus Christi, Texas

September 30, 1986—City Auditorium—Wing, 800 Verret Street, Houma, Louisiana

October 1, 1986—Biloxi Cultural Center (Library), 217 Lameuse, Biloxi, Mississippi

October 2, 1986—Ramada Inn Westshore, 5303 West Kennedy Boulevard, Tampa, Florida

October 6, 1986—Teen Center, 2465 South Roosevelt Boulevard, Key West, Florida

Dated: September 11, 1986.

Richard B. Roe,  
Director, Office of Fisheries Management,  
National Marine Fisheries Service.

[FR Doc. 86-20820 Filed 9-15-86; 8:45 am]

BILLING CODE 3510-22-M



# Notices

Federal Register

Vol. 51, No. 179

Tuesday, September 16, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### National Advisory Committee for Tobacco Inspection Services; Meeting

In accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) announcement is made of the following Committee meeting:

Name: National Advisory Committee for Tobacco Inspection Services.

Date: October 21, 1986.

Place: U.S. Department of Agriculture, Agricultural Marketing Service, Tobacco Division, Training Laboratory, Room 402, 333 Waller Avenue, Lexington, Kentucky 40504.

Time: 1 p.m.

Purpose: To review various regulations issued pursuant to the Tobacco Inspection Act (7 U.S.C. 511 *et seq.*), to hear persons who have asked to address the Committee and who have been scheduled to do so, and to discuss the level of tobacco inspection and related services. In particular, the Committee will address the pairing or grouping of burley markets and the distribution of the gardens among markets for the 1986-87 selling season.

The meeting is open to the public. Persons, other than members, who wish to address the Committee at the meeting should contact Lioniel S. Edwards, Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, 300 12th Street, SW., Washington, DC 20250, (202) 447-2567, prior to the meeting. Persons who have not been scheduled may address the Committee if time permits, in the discretion of the Chair of the Committee. Written statements may be submitted prior to or at the meeting.

Dated: September 10, 1986.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 86-20892 Filed 9-15-86; 8:45 am]

BILLING CODE 3410-02-M

### Rural Electrification Administration

#### United Power Association; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the provisions of the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and REA Environmental Policies and Procedures (7 CFR Part 1794), has made a Finding of No Significant Impact (FONSI) with respect to the construction of an ash disposal facility for the Stanton Generating Station near Stanton, North Dakota. The United Power Association (UPA) will build the facility at a site located in Mercer and Oliver Counties, North Dakota. The site lies in Mercer and Oliver Counties in the south half of section 33, T144, R84 and the north half of section 4, T143, R84.

FOR FURTHER INFORMATION CONTACT: REA's FONSI and Environmental Assessment (EA) and UPA's Borrower's Environmental Report (BER) may be reviewed at and copies obtained from the office of the Director, Northwest Area—Electric, REA, Room 0230, South Agriculture Building, Washington, DC 20250, telephone (202) 382-1400, or the office of UPA, Highway 10, Elk River, Minnesota 55330-0800, telephone (612) 441-3121, during normal business hours.

SUPPLEMENTARY INFORMATION: REA reviewed the BER submitted by UPA and determined that it represents an accurate assessment of the environmental impacts of 93 hectares (230 acres) of mine spoil land purchased from Basin Cooperative Services of Bismark, North Dakota. A 19 hectare (48 acre) area of the 93 hectare (230 acre) tract will be developed in stages for the ash disposal facility. REA prepared its EA based on the BER and other pertinent information. REA independently concluded that approval of the proposed project would not result in a major Federal action significantly affecting the quality of the human environment. The BER and EA adequately consider the potential impacts of the proposed project on important farmlands, wetlands,

floodplains, cultural resources, federally listed or proposed for listing threatened or endangered species or their critical habitat, wild and scenic rivers, air quality, water quality, and aesthetics. REA has identified no other matter of environmental concern related to the proposed project.

Various alternatives to the proposed project were considered, including no action, alternative locations, and alternative methods of disposal. REA determined that the proposed project is an environmentally acceptable alternative that meets UPA's needs with a minimum of adverse environmental impact.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850-Rural Electrification Loans and Loan Guarantees. For the reasons set forth in the final rule related Notice to 7 CFR Part 3015 Subpart V in 50 FR 47034, November 14, 1985, this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with state and local officials.

Dated: September 10, 1986.

Jack Van Mark,

Acting Administrator.

[FR Doc. 86-20859 Filed 9-15-86; 8:45 am]

BILLING CODE 3410-15-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: International Trade Administration/Import Administration/Department of Commerce.

ACTION: Notice of Initiation of antidumping and countervailing duty administrative reviews.

SUMMARY: The Department of Commerce has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings. In accordance with the Commerce Regulations, we are initiating those administrative reviews.

EFFECTIVE DATE: September 16, 1986.

FOR FURTHER INFORMATION CONTACT: William L. Matthews or Richard Moreland, Office of Compliance



International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5253/2786.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 13, 1985, the Department of Commerce ("the Department") published in the *Federal Register* (50 FR 32556) a notice outlining the procedures for requesting administrative reviews. The Department has received timely requests, in accordance with §§ 353.53a(a)(1), (a)(2), and 355.10(a)(1) of the Commerce Regulations, for administrative reviews or various antidumping and countervailing duty orders and findings.

##### Initiation of Reviews

In accordance with §§ 353.53a(c) and 355.10(c) of the Commerce Regulations, we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews no later than September 30, 1987.

Antidumping duty proceedings and firms	Periods to be reviewed
Nitrocellulose from France:	
SNPE	08/85-07/86
High Capacity Pagers from Japan:	
Matsushita	08/85-07/86
NEC	08/85-07/86
Tapered Roller Bearings and Certain Components Thereof from Japan:	
Komatsu	08/85-07/86
Koyo	08/85-07/86
Maekawa	08/85-07/86
MC Int'l	08/85-07/86
Nachi	08/85-07/86
Niigata Converter	08/85-07/86
Nissan	08/85-07/86
NSK	08/85-07/86
Sumitomo Corp.	08/85-07/86
Suzuki	08/85-07/86
Toyoko Kogyo	08/85-07/86
Toyosha	08/85-07/86
Toyota	08/85-07/86
Yamaha	08/85-07/86
Countervailing duty proceedings	Periods to be reviewed
Live Swine from Canada	04/85-03/86
Low Fuming Brazing Copper Rod and Wire from New Zealand	5/23/85-07/31/86

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930 (19 U.S.C. 1675(a)) and §§ 353.53a(c) and 355.10(c) of the Commerce Regulations (19 CFR 353.53a(c), 355.10(c); 50 FR 32556, August 13, 1985).

Dated: September 9, 1986.

Gilbert B. Kaplan,  
Deputy Assistant Secretary for Import Administration.

[FR Doc. 86-20895 Filed 9-15-86; 8:45 am]

BILLING CODE 3510-DS-M

[Docket No. 2636-01 etc.]

#### Alan C.T. Simmons et al; Export Privileges

In the matter of: Alan C.T. Simmons, Digital Resources, Ltd., Amber Computer Services, Respondents; Docket Nos. 2636-01, 2636-02, 2636-03.

##### Order

Having reviewed the record and based on the facts addressed in this proceeding, I affirm the following Decision and Order of the Administrative Law Judge. This constitutes final agency action in this matter.

Dated: September 9, 1986.

Paul Freedenberg,

Assistant Secretary for Trade Administration.

##### Decision and Order

By Order of February 26, 1986, 51 FR 7476, 7477 and 7481 (March 4, 1986), each of the three above-named Respondents was denied all U.S. export privileges for 30 years, under the authority of Part 388 of the Export Administration Regulations (15 CFR Parts 368-399 (1986)), issued pursuant to the Export Administration Act of 1979, 50 U.S.C. app. 2401-2420 (1982), as amended by the Export Administration Amendments Act of 1985, Pub. L. 99-64, 99 Stat. 120 (July 12, 1985). On August 20, 1986 the U.S. Department of Commerce and Respondent Amber Computer Services moved jointly both to reopen the proceeding so that newly presented evidence could be considered and also to relieve Amber Computer Services from the denial of export privileges imposed by the Order of February 26, 1986.

The evidence contained in the August 20, 1986 joint motion is sufficient to warrant a reopening of this proceeding, and consequently the proceeding has been reopened. A consideration of this evidence does justify the granting of the relief for Respondent Amber Computer Services that was requested by the joint motion.

Accordingly, it is hereby Ordered that, effective as provide in the final paragraph of this Decision and Order, the Order of February 26, 1986 is amended by deleting

Amber Computer Services, Mesogion 174, Holargos, Athens, Greece  
from the named Respondents that are denied all U.S. export privileges by the Order of February 26, 1986.

In accordance with section 13(c) of the Export Administration Act of 1979 as amended by the Export Administration Amendments Act of 1985, the foregoing constitutes the Decision and Order of

the undersigned in this proceeding. The Order shall become effective if and when it is affirmed by the Secretary pursuant to section 13(c).

Dated: August 25, 1986.

Thomas W. Hoya,  
Administrative Law Judge.

[FR Doc. 86-20880 Filed 9-15-86; 8:45 am]

BILLING CODE 3510-25-M

#### National Oceanic and Atmospheric Administration

##### National Advisory Committee on Oceans and Atmosphere; Meeting

September 10, 1986.

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 1 (1982), notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will meet on Monday, September 29, 1986. The meeting will be held at the Universal South, Room 406, 1825 Connecticut Avenue, NW., Washington, DC. The meeting will commence at 8:30 a.m. and end at 4:30 p.m. The committee will review and approve the final draft of the NACOA study on the Roles and Missions of the National Oceanic and Atmospheric Administration (NOAA).

The Committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations, and State and local governments was established by Congress by Pub. L. 95-63 on July 5, 1977. Its duties are to: (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or Congress.

The public is welcome at the sessions and will be admitted to the extent that seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.



Please note that this meeting replaces the meeting scheduled for October 6-7, 1986. Also, please note that the meeting of the Offshore Petroleum Resources Panel which was scheduled to meet on Thursday and Friday, September 18 and 19, 1986 is cancelled.

Additional information concerning this meeting may be obtained through the Committee's Acting Executive Director, James A. Almazan whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 1825 Connecticut Avenue NW., Universal South, Suite 620, Washington, DC 20235.

Dated: September 10, 1986.

James A. Almazan,

Acting Executive Director.

[FR Doc. 86-20875 Filed 9-15-86; 8:45 am]

BILLING CODE 3510-12-M

### Western Pacific Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The Western Pacific Fishery Management Council's Bottomfish/Seamount Groundfish Plan Development and Monitoring Team will convene a public meeting, September 24, 1986, at 2 p.m. at 1164 Bishop Street, Conference Room 1605, Honolulu, HI, to discuss the status of access management, the status of the native rights project, as well as to discuss other Team business.

For further information contact Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405, Honolulu, HI 96813; telephone: (808) 523-1368.

Dated: September 11, 1986.

Richard B. Roe,

Director, Office of Fisheries Management  
National Marine Fisheries Service.

[FR Doc. 86-20909 Filed 9-15-86; 8:45 am]

BILLING CODE 3510-22-M

### Marine Mammals; Proposed Permit Modification; Washington Department of Game (P250A)

Notice is hereby given that the Washington Department of Game, Marine Mammal Investigations, EX-12, 600 North Capitol Way, GJ-11, Olympia, Washington 98504-0091, has requested a modification to Permit No. 473 issued on June 15, 1984 (49 FR 25892), under the authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

The Permit Holder is requesting that:

1. Sixty harbor seals (*Phoca vitulina*) be injected with isotopes of either oxygen-18 and tritium or deuterated water.

2. These seals be held for approximately 3 hours on the haulout and blood sampled before being released.

3. After a minimum of 3 to 5 days these seals be recaptured and blood sampled. At this time subjects would be reinjected with tritiated water followed by a final blood sample 3 hours later.

4. Depth or dive recorders be attached to 40 seals.

5. Captured seals may also be administered an intermuscular injection of tetracycline at a dosage of 2-5 mg/lb body weight.

Concurrent with the publication of this notice in the *Federal Register*, the Secretary of Commerce is forwarding copies of the modification request to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this modification request should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235 within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

The Modification request is available for review by interested persons in the following offices:

Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, 1825 Connecticut Avenue NW, Room 805, Washington, DC; and

Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, NE., BIN C15700, Seattle, Washington 98115.

Dated: September 4, 1986.

Henry R. Beasley,

Director, Office of International Fisheries,  
National Marine Fisheries Service.

[FR Doc. 86-20821 Filed 9-15-86; 8:45 am]

BILLING CODE 3510-22-M

### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

#### Establishing Import Limits for Certain Cotton Textile Products Produced or Manufactured in Japan

September 11, 1986.

On July 28, 1986, a notice was published in the *Federal Register* (51 FR 26920) which announced that, on June 30, 1986, the Government of the United States, under Article 3 of the Arrangement Regarding International Trade in Textiles, had requested the Government of Japan to enter into consultations concerning exports to the United States of cotton textile products in Categories 310/318 (gingham and other yarn-dyed fabrics), 315/320pt. (Cotton printcloth), 317pt. (cotton sateen fabrics) and 347/348 (cotton trousers), produced or manufactured in Japan and exported during the twelve-month period which began on June 30, 1986 and extends through June 29, 1987.

The United States has decided, inasmuch as no solution was reached during consultations between the two governments, to control imports in Categories 310/318, 315/320pt., 317pt. and 347/348, exported during the twelve-month period which began on June 30, 1986 and extends through June 29, 1987, at levels of 19,042,936 square yards (Category 310/318), 10,562,022 square yards (Category 315/320pt.), 8,869,181 square yards (Category 317pt.) and 1,442,422 dozen (Category 347/348).

Accordingly, in the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry to the United States for consumption or withdrawal from warehouse for consumption, of cotton textile products in Categories 310/318, 315/320pt., 317pt. and 347/348, during the twelve-month period which began on June 30, 1986 and extends through June 29, 1987, in excess of the designated levels of restraint.

The United States remains committed to finding a solution concerning these categories. Should such a solution be reached in consultations with the Government of Japan, further notice will be published in the *Federal Register*.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622, July



16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

**EFFECTIVE DATE:** September 17, 1986.

**FOR FURTHER INFORMATION CONTACT:** Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, DC, (202) 377-4212.

**Ronald I. Levin,**

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

September 11, 1986.

Commissioner of Customs,  
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on July 31, 1986; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on September 17, 1986, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 310/318, 315/320pt.<sup>1</sup>, 317pt.<sup>2</sup> and 347/348, produced or manufactured in Japan and exported during the twelve-month period which began on June 30, 1986 and extends through June 29, 1987, in excess of the following levels of restraint:

Category	Restraint levels <sup>1</sup>
310/318.....	19,042,936 square yards
315/320pt.....	10,562,022 square yards
317pt.....	8,869,181 square yards
347/348.....	1,442,422 dozen

<sup>1</sup> The limits have not been adjusted to account for any imports exported after June 29, 1986.

Textile products in Categories 310/318, 315/320pt., 317pt. and 347/348 which have been exported to the United States prior to June 30, 1986 shall not be subject to this directive.

Textile products in Categories 310/318, 315/320pt., 317pt. and 347/348 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

<sup>1</sup> In Category 230, only TSUS items 320.—through 331.—with statistical suffix 31.

<sup>2</sup> In Category 317, only TSUS items 320.—through 331.—with statistical suffixes 50, 87 and 93.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553 (a)(1).

Sincerely,

Ronald I. Levin,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 86-20878 Filed 9-15-86; 8:45 am]

**BILLING CODE 3510-DR**

### Adjusting Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the Philippines

September 11, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on September 16, 1986. For further information contact Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

### Background

A CITA directive dated December 20, 1985 (50 FR 52830) established limits for certain cotton, wool and man-made fiber textile products, including Categories 336-NT (non-traditional cotton dresses), 336-T (traditional cotton dresses) and 345 (cotton sweaters), produced or manufactured in the Philippines and exported during the agreement year which began on January 1, 1986 and extends through December 31, 1986. At the request of the Government of the Republic of the Philippines, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 24, 1982, as amended, between the Governments of the United States and the Republic of the Philippines, swing is being applied to the restraint limit previously established for cotton textile products in Category 345, increasing it from 36,658 dozen to 38,857 dozen for the current agreement year. Swing is also being applied to Category 336-NT, and carryforward used in 1985 is being deducted, resulting in an overall increase in the 1986 limit from 32,936 dozen to 33,358 dozen. The limit for Category 336-T is being reduced from 448,218 dozen to 446,242 dozen to account for the amount of swing applied

to Category 336-NT. The limit for Category 633 which is being controlled for the first time in the current agreement year is being reduced from 22,222 dozen to 19,987 dozen to account for the increase applied to Category 345.

Accordingly, in the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in Category 633 exported during the twelve-month period which began on January 1, 1986 and extends through December 31, 1986 at the designated adjusted limit. The Commissioner is further directed to adjust the restraint limits previously established for Categories 336-NT, 336-T and 345.

A description of the textile categories in terms of TSUSA numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

**Ronald I. Levin,**

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

September 11, 1986.

Commissioner of Customs,  
Department of the Treasury,  
Washington, DC 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 20, 1985 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1986 and extends through December 31, 1986. Effective on September 16, 1986, the limits for the indicated categories are to be adjusted as follows under the terms of the bilateral agreement:<sup>1</sup>

<sup>1</sup> The agreement provides, in part, that: (1) Specific limits may be exceeded during the agreement year by designated percentages; (2) Specific limits may be adjusted for swing, carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.



Category	Adjusted limit <sup>1</sup>
336-NT	33,358 dozen
336-T	446,242 dozen
345	38,857 dozen

<sup>1</sup> The limits have not been adjusted to account for any imports exported after December 31, 1985.

Also effective on September 16, 1986, you are directed to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 633, produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1986 and extends through December 31, 1986, in excess of 19,987 dozen.<sup>2</sup>

Textile products in Category 633 which have been exported to the United States prior to January 1, 1986 shall not be subject to this directive.

Textile products in Category 633 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 86-20879 Filed 9-15-86; 8:45 am]

BILLING CODE 3510-DR-M

### Increasing the Import Limit for Certain Man-Made Fiber Apparel Products Produced or Manufactured in the Republic of Korea

September 10, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on September 16, 1986. For further information contact Eve Anderson, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

#### Background

On December 23, 1985 a notice was published in the *Federal Register* (50 FR 52356) announcing establishment of a limit of 437,994 pounds for man-made fiber coveralls in Category 659 pt. (only TSUSA numbers 381.3325, 381.9805, 384.2205, 384.2530, 384.8606, 384.8607, and 384.9310), produced or manufactured in Korea and exported

during the twelve-month period which began on January 1, 1986, and extends through December 31, 1986. CITA believes there may be a classification problem with respect to imports in this part category. Consequently, as an interim measure, pending completion of a data investigation to determine correct classification, the limit is being increased by the application of special carryforward amounting to 128,000 pounds. Depending on the outcome of the data investigation, the amount of the increase may be deducted from the limit established for this part category during the 1987 agreement year. In the letter which follows this notice the Chairman of CITA directs the Commissioner of Customs to increase the current limit to 565,994 pounds.

A description of the textile categories in terms of TSUSA numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

Ronald I. Levin,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

September 10, 1986.

Commissioner of Customs,

*Department of the Treasury, Washington, DC 20229.*

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 18, 1985, which directed you to prohibit entry of man-made fiber textile products in Category 659 pt.<sup>1</sup>, among other categories, produced or manufactured in Korea and exported during the twelve-month period which began on January 1, 1986 and extends through December 31, 1986.

Effective on September 16, 1986, the directive of December 18, 1985 is hereby further amended to increase the import restraint limit for Category 659 pt.<sup>1</sup> to 565,994 pounds.<sup>2</sup>

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

<sup>1</sup> In Category 659 only TSUSA numbers 381.3325, 381.9805, 384.2205, 384.2530, 384.8606, 384.8607, and 384.9310.

<sup>2</sup> The level has not been adjusted to account for any imports exported after December 31, 1985.

Sincerely,

Ronald I. Levin,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 86-20868 Filed 9-15-86; 8:45 am]

BILLING CODE 3510-DR-M

## DEPARTMENT OF EDUCATION

### Performance Review Board; Membership

**AGENCY:** Department of Education.

**ACTION:** Notice of membership of the performance review board.

**SUMMARY:** Notice is hereby given of the names of members of the Department of Education Performance Review Board.

**FOR FURTHER INFORMATION CONTACT:** Martha C. Brooks, Director, Executive Resources Division, Office of Personnel Resource Management Service, Office of Management, Department of Education, (Room 1085, FOB 6), 400 Maryland Avenue SW., Washington, DC 20202, Telephone: (202) 472-3567.

**SUPPLEMENTARY INFORMATION:** Section 4314(c) (1) through (5) of Title 5, U.S.C. requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

#### Membership

The following executives of the Department of Education have been selected to serve on the Performance Review Board of the Department of Education: Mary M. Rose, Co-Chair; Lawrence Davenport, Co-Chair; Frances Norris; Ronald Kimberling; Bruce Carnes; Ralph Olmo; Charles J. O'Malley; Franmarie Kennedy-Keel; Carol Pendas-Whitten; Emerson Elliott; Thomas Skelly; Carol Cichowski; Paul Delker; Leroy Cornelsen; Theodore Sky; Jack Klenk; Mary Jean LeTendre; Allen Jackson; Dick Hays; Barry Bontemps; Earl Ingram; Henry Curry; Milton Goldberg; Kenneth Whitehead; Daniel Lau; Ernest Canellos; Mitchell Laine.

Dated: September 11, 1986.

Mary M. Rose,

*Deputy Under Secretary for Management.*

[FR Doc. 86-20870 Filed 9-15-86; 8:45 am]

BILLING CODE 4000-01-M

<sup>1</sup> The limits have not been adjusted to account for any imports exported after December 31, 1985.



**DEPARTMENT OF ENERGY****Agency Information Collection Extensions****AGENCY:** Department of Energy.**ACTION:** Notice.

**SUMMARY:** The Department of Energy (DOE) is hereby submitting the following 31 public information collection packages to OMB for renewal under the Paperwork Reduction Act of 1980, Pub. L. 96-511. The packages cover the Department's management and procurement collections of information from its management and operating (GOCO) contractors, offsite contractors, and financial assistance and incentive grantees. The information is used to exercise management oversight as to the implementation of applicable statutory and contractual requirements and obligations. The listing for each package contains the following information: (1) Title of the information collection package; (2) Current OMB control number; (3) Type of respondents; (4) Estimated number of responses; (5) Estimated total hours, including recordkeeping hours, required to provide the information (burden hours); (6) Purpose; and (7) Number of Collections.

**DATE AND ADDRESS:** Comments regarding the information collection packages should be submitted to the OMB Desk Officer at the following address no later than October 16, 1986. Mr. Vartkes Broussalian, DOE Desk Officer, Office of Management & Budget (OIRA), Room 3001, NEOB, Washington, DC 20503, (202) 395-7313.

**FOR FURTHER INFORMATION CONTACT:** Mr. Howard H. Raiken, Director, Management Systems Analysis (MA-213), U.S. Department of Energy, Washington, DC 20585, (202) 252-9383.

Package Title: ADP Management  
Current OMB No.: 1910-0100  
Type of Respondents: DOE Operating and Management (GOCO) contractors.

Estimated Number of Responses: 574  
Estimated Total Burden Hours: 291,135

Purpose: This information is required by the Department to assure that ADP Management resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 38 information collection and/or recordkeeping requirements.

Package Title: Project Management  
Current OMB No.: 1910-0200  
Type of Respondents: DOE Operating and Management (GOCO) contractors.

Estimated Number of Responses: 13,972  
Estimated Total Burden Hours: 507,269

Purpose: This information is required by the Department to assure that Project Management resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 44 information collection and/or recordkeeping requirements.

Package Title: Environment, Safety & Health  
Current OMB No.: 1910-0300  
Type of Respondents: DOE Operating and Management (GOCO) contractors; offsite contractors  
Estimated Number of Responses: 10,785  
Estimated Total Burden Hours: 965,051

Purpose: This information is required by the Department to assure that Environment, Safety & Health resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 78 information collection and/or recordkeeping requirements.

Package Title: Financial Assistance & Incentives  
Current OMB No.: 1910-0400  
Type of Respondents: Grantees and assistance recipients and contractors  
Estimated Number of Responses: 122,422  
Estimated Total Burden Hours: 985,516

Purpose: This information is required by the Department to assure that Financial Assistance & Incentives resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 98 information collection and/or recordkeeping requirements.

Package Title: Financial Management  
Current OMB No.: 1910-0500  
Type of Respondents: DOE Operating and Management (GOCO) contractors; offsite contractors; Grant recipients and financial assistance recipients

Estimated Number of Responses: 25,764  
Estimated Total Burden Hours: 776,281

Purpose: This information is required by the Department to assure that Financial Management resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 51 information collection and/or recordkeeping requirements.

Package Title: Industrial Relations  
Current OMB No.: 1910-0600  
Type of Respondents: DOE Operating and Management (GOCO) contractors

Estimated Number of Responses: 1,631  
Estimated Total Burden Hours: 33,683

Purpose: This information is required by the Department to assure that Industrial Relations resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 124 information collection and/or recordkeeping requirements.

Package Title: In-house Energy  
Current OMB No.: 1910-0700  
Type of Respondents: DOE Operating and Management (GOCO) contractors  
Estimated Number of Responses: 290  
Estimated Total Burden Hours: 34,938

Purpose: This information is required by the Department to assure that In-house Energy resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 9 information collection and/or recordkeeping requirements.

Package Title: Legal  
Current OMB No.: 1910-0800  
Type of Respondents: DOE Operating and Management (GOCO) contractors  
Estimated Number of Responses: 27,157  
Estimated Total Burden Hours: 135,297

Purpose: This information is required by the Department to assure that Legal resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 13 information collection and/or recordkeeping requirements.

Package Title: Nuclear Materials  
Current OMB No.: 1910-0900  
Type of Respondents: DOE Operating and Management (GOCO) contractors; offsite contractor  
Estimated Number of Responses: 12,302  
Estimated Total Burden Hours: 435,395

Purpose: This information is required by the Department to assure that Nuclear Materials resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 118 information collection and/or recordkeeping requirements.

Package Title: Personal Property  
Current OMB No.: 1910-1000  
Type of Respondents: DOE Operating and Management (GOCO) contractors  
Estimated No. of Responses: 14,383  
Estimated Total Burden Hours: 1,376,621

Purpose: This information is required by the Department to assure that Personal Property resources and



requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 71 information collection and/or recordkeeping requirements.

Package Title: Personnel  
Current OMB No.: 1910-1100  
Type of Respondents: DOE Operating and Management (GOCO) contractors; offsite contractor and individuals applying for employment with the Department  
Estimated No. of Responses: 159,536  
Estimated Total Burden Hours: 213,943

Purpose: This information is required by the Department to assure that Personnel resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 24 information collection and/or recordkeeping requirements.

Package Title: Power Marketing Administration  
Current OMB No.: 1910-1200  
Type of Respondents: DOE Operating and Management (GOCO) contractors; offsite contractor  
Estimated No. of Responses: 123,542  
Estimated Total Burden Hours: 632,253

Purpose: This information is required by the Department to assure that Power Marketing resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 110 information collection and/or recordkeeping requirements.

Package Title: Printing Management  
Current OMB No.: 1910-1300  
Type of Respondents: DOE Operating and Management (GOCO) contractors  
Estimated No. of Responses: 289  
Estimated Total Burden Hours: 3,648

Purpose: This information is required by the Department to assure that Printing Management resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 11 information collection and/or recordkeeping requirements.

Package Title: Program Management  
Current OMB No.: 1910-1400  
Type of Respondents: DOE Operating and Management (GOCO) contractors; offsite contractor  
Estimated No. of Responses: 100,217  
Estimated Total Burden Hours: 495,220

Purpose: This information is required by the Department to assure that Program Management resources and requirements are managed efficiently

and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 86 information collection and/or recordkeeping requirements.

Package Title: Public Affairs  
Current OMB No.: 1910-1500  
Type of Respondents: DOE Operating and Management (GOCO) contractors  
Estimated No. of Responses: 241  
Estimated Total Burden Hours: 3,892

Purpose: This information is required by the Department to assure that Audiovisual-Publications resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 8 information collection and/or recordkeeping requirements.

Package Title: Real Property  
Current OMB No.: 1910-1600  
Type of Respondents: DOE Operating and Management (GOCO) contractors; offsite contractors  
Estimated No. of Responses: 3,257  
Estimated Total Burden Hours: 60,853

Purpose: This information is required by the Department to assure that Real Property resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 37 information collection and/or recordkeeping requirements.

Package Title: Records and Administration  
Current OMB No.: 1910-1700  
Type of Respondents: DOE Operating and Management (GOCO) contractors  
Estimated No. of Responses: 1,459  
Estimated Total Burden Hours: 22,091

Purpose: This information is required by the Department to assure that Records resources and requirements imposed upon respondents are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 8 information collection and/or recordkeeping requirements.

Package Title: Safeguards and Security  
Current OMB No.: 1910-1800  
Type of Respondents: DOE Operating and Management (GOCO) contractors; offsite contractors  
Estimated No. of Responses: 168,428  
Estimated Total Burden Hours: 879,916

Purpose: This information is required by the Department to assure that Safeguards and Security resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 64 information collection and/or recordkeeping requirements.

Package Title: Telecommunications  
Current OMB No.: 1910-1900  
Type of Respondents: DOE Operating and Management (GOCO) contractors  
Estimated No. of Responses: 303  
Estimated Total Burden Hours: 32,678

Purpose: This information is required by the Department to assure that Telecommunications resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 25 information collection and/or recordkeeping requirements.

Package Title: Traffic Management  
Current OMB No.: 1910-2000  
Type of Respondents: DOE Operating and Management (GOCO) contractors; offsite contractors  
Estimated No. of Responses: 39  
Estimated Total Burden Hours: 6,050

Purpose: This information is required by the Department to assure that Traffic Management resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 6 information collection and/or recordkeeping requirements.

Package Title: Travel  
Current OMB No.: 1910-2100  
Type of Respondents: DOE Operating and Management (GOCO) contractors  
Estimated No. of Responses: 8,590  
Estimated Total Burden Hours: 56,305

Purpose: This information is required by the Department to assure that Travel resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 11 information collection and/or recordkeeping requirements.

Package Title: Contracting by Negotiation (DEAR 915)  
Current OMB No.: 1910-3100  
Type of Respondents: DOE Operating and Management (GOCO) contractors; offsite contractors  
Estimated No. of Responses: 2,015  
Estimated Total Burden Hours: 2,194

Purpose: This information is required by the Department to assure that Contracting by Negotiation resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 1 information collection and/or recordkeeping requirements.

Package Title: Special Contracting Methods (DEAR 917)  
Current OMB No.: 1910-3200



Type of Respondents: DOE Operating and Management (GOCO) contractors; offsite contractors  
 Estimated No. of Responses: 478  
 Estimated Total Burden Hours: 11,645

Purpose: This information is required by the Department to assure that Special Contracting Methods resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 2 information collection and/or recordkeeping requirements.

Package Title: Application of Labor Laws to Government Acquisitions  
 Current OMB No.: 1910-3400  
 Type of Respondents: DOE Operating and Management (GOCO) contractors; offsite contractors  
 Estimated No. of Responses: 237  
 Estimated Total Burden Hours: 1,064

Purpose: This information is required by the Department to assure that Application of Labor Laws to Government Acquisitions resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 1 information collection and/or recordkeeping requirements.

Package Title: DOE Acquisition Regulations Bonds & Insurance (DEAR 928)  
 Current OMB No.: 1910-3600  
 Type of Respondents: DOE Operating and Management (GOCO) contractors; offsite contractors  
 Estimated No. of Responses: 50  
 Estimated Total Burden Hours: 150

Purpose: This information is required by the Department to assure that Bonds & Insurance resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 1 information collection and/or recordkeeping requirements.

Package Title: DOE Acquisition Regulations: Construction & Architect-Engineer Contracts (DEAR 936)  
 Current OMB No.: 1910-3700  
 Type of Respondents: DOE Operating and Management (GOCO) contractors; offsite contractors  
 Estimated No. of Responses: 7  
 Estimated Total Burden Hours: 32

Purpose: This information is required by the Department to assure that Construction and Architect-Engineer Contract resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 1 information

collection and/or recordkeeping requirements.

Package Title: Termination of Contracts (DEAR 949)  
 Current OMB No.: 1910-3900  
 Type of Respondents: DOE Operating and Management (GOCO) contractors; offsite contractors  
 Estimated No. of Responses: 20  
 Estimated Total Burden Hours: 400

Purpose: This information is required by the Department to assure that Termination Contracts resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 2 information collection and/or recordkeeping requirements.

Package Title: Solicitation Provisions & Contract Clauses (DEAR 952)  
 Current OMB No.: 1910-4000  
 Type of Respondents: DOE Operating and Management (GOCO) contractors; offsite contractors  
 Estimated No. of Responses: 45,315  
 Estimated Total Burden Hours: 61,452

Purpose: This information is required by the Department to assure that Solicitation Provisions & Contract Clauses resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 9 information collection and/or recordkeeping requirements.

Package Title: DOE Acquisition Regulation: DOE Operating & Mgmt. Contracts  
 Current OMB No.: 1910-4100 (DEAR 970)  
 Current OMB No.: 1910-4100  
 Type of Respondents: DOE Operating and Management (GOCO) contractors; offsite contractors  
 Estimated No. of Responses: 680  
 Estimated Total Burden Hours: 1,391,318

Purpose: This information is required by the Department to assure that Operating & Mgmt. Contracts resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 21 information collection and/or recordkeeping requirements.

Package Title: DOE Procurement Regulations (DOE PR)  
 Current OMB No.: 1910-5000  
 Type of Respondents: DOE Operating and Management (GOCO) contractors; offsite contractors  
 Estimated No. of Responses: 77,477  
 Estimated Total Burden Hours: 866,216

Purpose: This information is required by the Department to assure that DOE Procurement Regulations resources and

requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 39 information collection and/or recordkeeping requirements.

Package Title: DOE Other Procurement Collections  
 Current OMB No.: 1910-5100  
 Type of Respondents: DOE Operating and Management (GOCO) contractors; offsite contractors  
 Estimated No. of Responses: 13,262  
 Estimated Total Burden Hours: 10,821

Purpose: This information is required by the Department to assure that Other Procurement Collections resources and requirements are managed efficiently and effectively; and to exercise management oversight of DOE contractors and grantees. The package contains 6 information collection and/or recordkeeping requirements.

Dated: September 9, 1986.

K. Dean Helms,

*Acting Director of Administration.*

[FR Doc. 86-20865 Filed 9-15-86; 8:45 am]

BILLING CODE 6450-01-M

## Procurement and Assistance Management Directorate; Grant Award to National Academy of Sciences

**AGENCY:** Department of Energy (DOE).

**ACTION:** Notice of restriction of eligibility for grant award.

**SUMMARY:** DOE announces that, pursuant to 10 CFR 600.7(b) it intends to award on a restricted eligibility basis a grant providing partial support to the National Academy of Sciences in support of the Government-University-Industry Research Roundtable experiment. The Grant is values at \$125,000 over a twenty-four month period.

Procurement Request Number: 01-86ER75308.000

Project Scope: The objective of this grant is to support the second two year phase of the National Academy of Sciences' ongoing Government-University-Industry Research Roundtable experiment. This experiment was initiated in 1984 as an alternative to the traditional study commission approach to science and technology policy issues and has two unique characteristics. First, the Roundtable was created on the assumption that all sectors (government, universities, and industry) share the responsibility for the stewardship of the scientific and engineering enterprise and for ensuring continued contributions to



the national well-being. Secondly, it is an ongoing means for addressing the important issues within a structure that provides for continuity and follow-up. The DOE support and that of other federal agencies, states, foundations and corporations will permit the continuation of the Roundtable efforts.

The Government-University-Industry Roundtable is a unique and expert body, fully representative of the interests and policies of the research community at all levels, and has the ability to assemble working groups and committees of the Nation's most eminent scholars. As such, it is able to render unbiased advice and guidance of the highest quality to all sectors of the research community. In light of these facts and the DOE's intense support of basic and applied research, it is determined that award of this grant on a restricted eligibility basis to the National Academy of Sciences is appropriate.

**FOR FURTHER INFORMATION CONTACT:** James P. Beiriger, MA-452.1, U.S. Department of Energy, Office of Procurement Operations, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone (202) 252-5569.

Issued in Washington, DC, on September 11, 1986.

Robert J. Walsh,

*Acting Director, Contract Operations, Division "A", Office of Procurement Operations.*

[FR Doc. 86-20910 Filed 9-15-86; 8:45 am]

BILLING CODE 6450-01-M

#### **National Petroleum Council, Committee on U.S. Petroleum Refining; Meeting**

Notice is hereby given that the Committee on U.S. Petroleum Refining will meet in September, 1986. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The assignment of the Committee on U.S. Petroleum Refining is to undertake a new study of the factors affecting domestic refining in the 1985-1990 timeframe, which would update previous National petroleum Council refining studies. Its analysis and findings will be based on information and data to be gathered by the various task groups.

The Committee on U.S. Petroleum Refining will hold its third meeting on Wednesday, September 24, 1986, starting at 2:00 p.m., in the Executive Chamber III of The Madison Hotel,

Fifteenth and M Streets, NW., Washington, DC.

The tentative agenda for the Committee on U.S. Petroleum Refining meeting follows:

1. Review the proposed draft report on U.S. Petroleum Refining.
2. Review the schedule for completion of the Committee's assignment.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Committee on U.S. Petroleum Refining is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee on U.S. Petroleum Refining will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Ms. Pat Dickinson, Office of Advanced Fuels, Technology, Extraction and Environmental Controls, Fossil Energy, 301/353-2430, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, DC between the hours of 9:00 a.m. and 4:00 p.m., Monday Through Friday, except Federal holidays.

Issued at Washington, D.C., on September 8, 1986.

Donald L. Bauer,

*Acting Assistant Secretary for Fossil Energy.*

[FR Doc. 86-20864 Filed 9-15-86; 8:45 am]

BILLING CODE 6450-01-M

#### **Economic Regulatory Administration**

##### **Final Consent Order With Horizon Petroleum Co.**

**AGENCY:** Economic Regulatory Administration, DOE.

**ACTION:** Final action on proposed consent order.

**SUMMARY:** The Administrator on the Economic Regulatory Administration (ERA) has determined that a proposed consent order between the Department of Energy (DOE) and Horizon Petroleum Company ("Horizon") shall be made final as proposed. The consent order resolves matters relating to Horizon's compliance with the federal petroleum price and allocation regulations administered and enforced by DOE and

its predecessor agencies, during the period April 1, 1977 through January 27, 1981. The proposed order requires Horizon to pay to the DOE the sum of \$1,932,917.00 within thirty (30) days following publication of this Notice. Persons claiming to have been harmed by Horizon's overcharges will be able to present their claims for refunds in an administrative claims proceeding before the Office of Hearings and Appeals (OHA). The decision to make the Horizon consent order final was made after a full review of written comments from the public.

#### **FOR FURTHER INFORMATION CONTACT:**

Jeffery R. Whieldon, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room 3H-017; Mail Code RG-43, Washington, DC 20585. (202) 252-4235.

#### **SUPPLEMENTARY INFORMATION:**

- I. Introduction.
- II. Comments received.
- III. Analysis of comments.
- IV. Decision.

#### **I. Introduction**

On July 22, 1986, ERA issued a notice announcing a proposed consent order between DOE and Horizon which would resolve matters relating to Horizon's compliance with federal petroleum price and allocation regulations during the audit period, April 1, 1977 through January 27, 1981. The proposed order, which requires Horizon to pay \$1,932,917.00, settles Horizon's potential liability for the audit period, including an alleged violation of \$3,518,858.65 for the period May 1977 through September 1978. The July 22 notice provided in detail the basis for ERA's preliminary view that the settlement was favorable to the government and in the public interest. The notice solicited written comments from the public relating to the adequacy of the terms and conditions of the settlement, and whether the settlement should be made final.

#### **II. Comments Received**

ERA received written comments in the form of a joint submission by the states of Arkansas, Delaware, Iowa, Louisiana, North Dakota, Rhode Island, Utah and West Virginia and from the Governor's office of the state of Florida, and from the Controller of California (states). The comments were considered in making the decision as to whether or not the proposed consent order should be made final.

The comments submitted by these parties did not question the basis of the settlement or adequacy of the settlement amount, but only offered suggestions on



the procedure to be used in the distribution of the settlement funds.

### III. Analysis of Comments

The July 22 notice solicited written comments in order to enable the ERA to receive information from the public relevant to the decision whether the proposed consent order should be finalized as proposed, modified or rejected. To ensure greater public understanding of the basis for the proposed settlement, the July 22 notice provided information regarding Horizon's overcharge liability and the considerations that went into the government's preliminary agreement with the proposed terms.

The comments received from the states, relating to OHA's ultimate distribution of the funds if the Horizon consent order is finalized, were not germane to the basis or adequacy of the settlement.

The comments can be divided into two categories, those relating to the ultimate disposition of the overcharge monies to the states, and those indicating that the funds received from Horizon that are attributable to entitlements should be governed by the Settlement Agreement in the *Stripper Well Exemption Litigation*, M.D.L. No. 378 (D. Kan.), and that the balance of the funds should be submitted to the OHA for a special refund proceeding under 10 CFR Part 205, Subpart V. The consent order requires that ERA petition the OHA to implement a Subpart V proceeding with regard to all the funds received from Horizon. That disposition is consistent with the Settlement Agreement, under which DOE has issued Modified Restitutionary Policy Statement 51 FR 27899 (August 4, 1986). That policy statement is contemplated by this settlement in that the consent order calls for a Subpart V proceeding for the disposition of the crude oil funds. The distribution of funds to the states requested by the commenters is a matter to be considered during the OHA proceeding. Accordingly, it appears that the state's concerns are effectively addressed by the consent order. The ERA will not repeat its explanation concerning the basis for the settlement, but will refer any member of the public who is interested in that matter to the July 22 Federal Register notice, which contains a thorough discussion.

The review and analysis of the written comments did not provide any information that would support the modification or rejection of the proposed consent order with Horizon. Accordingly, ERA concludes that the consent order is in the public interest and should be made final.

### IV. Decision

By this notice, and pursuant to 10 CFR 205.199, the proposed consent order between Horizon and DOE executed on May 23, 1986 is made a final order of the Department of Energy, effective the date of publication of this notice in the Federal Register.

Issued in Washington, D.C. on the 29 day of August, 1986.

Carl A. Corrallo,

*Solicitor, Economic Regulatory Administration.*

[FR Doc. 86-20863 Filed 9-15-86; 8:45 am]

BILLING CODE 6450-01-M

### [ERA Docket No. 86-37-NG]

#### Vermont Gas Systems, Inc.; Order Granting Authorization To Import Natural Gas From Canada

**AGENCY:** Economic Regulatory Administration, Department of Energy.

**ACTION:** Notice of order granting authorization to import natural gas from Canada.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting Vermont Gas Systems, Inc. (Vermont Gas), authorization to increase its imports of natural gas from Canada. The order issued in ERA Docket No. 86-37-NG authorizes Vermont Gas to increase a previously authorized import from up to 25,600 Mcf per day to up to 28,000 Mcf per day during the contract year ending October 31, 1987, to up to 30,000 Mcf per day during the contract year ending October 31, 1988, and to up to 32,000 Mcf per day during the contract year ending October 31, 1989.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA-076, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, 20585, (202) 252-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, September 8, 1986.

Robert L. Davies,

*Director, Office of Fuels Programs, Economic Regulatory Administration.*

[FR Doc. 86-20862 Filed 9-15-86; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-C&E-86-50; OFP Case No. 61036-9326-20 thru 31-32]

#### Extension of Comment Period; Consumers Power Company, Midland, MI

**AGENCY:** Economic Regulatory Administration, DOE.

**ACTION:** Extension of comment period.

**SUMMARY:** The DOE hereby notices that the time in which to file public comments on the above case is extended from September 12, 1986, to October 14, 1986.

#### FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Coal & Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA-093, Washington, DC 20585, Telephone (202) 252-9624.

**SUPPLEMENTARY INFORMATION:** On July 29, 1986, the Economic Regulatory Administration (ERA) published a notice in the Federal Register (51 FR 27073) announcing the acceptance of an exemption petition, filed by Consumers Power Company of Midland, Michigan, pursuant to the prohibitions of Title II of Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act").

Based on an elevated degree of interest in this case, the ERA has determined that it will extend the time in which to file public comments by 30 days.

Issued in Washington, DC on September 9, 1986.

Robert L. Davies,

*Director, Office of Fuels Programs, Economic Regulatory Administration.*

[FR Doc. 86-20861 Filed 9-15-86; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-C&E-86-54; OFP Case No. 67004-9032-21-24]

#### Acceptance of Petition From United States Borax & Chemical Corp.; for Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 and Availability of Certification

**AGENCY:** Economic Regulatory Administration, DOE.

**ACTION:** Notice of Acceptance.

**SUMMARY:** On September 8, 1986, United States Borax & Chemical Corporation (U.S. Borax), filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent cogeneration exemption for a proposed



electric powerplant to be located at its facility in Boron, California, from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ["FUA" or "the Act"]. Title II of FUA prohibits both the use of petroleum and natural gas as a primary energy source in any new powerplant and the construction of any such facility without the capability to use an alternate fuel as a primary energy source. Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules governing the cogeneration exemption were revised on June 25, 1982 (47 FR 29209, July 6, 1982), and are found at 10 CFR 503.37.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination on the exemption request and it is therefore accepted pursuant to the 10 CFR 501.3. A review of the petition is provided in the SUPPLEMENTARY INFORMATION section below.

As provided for in sections 701(c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification as well as other documents and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E-190, Washington, DC 20585, from 9:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the Federal Register.

**DATES:** Written comments are due on or before October 31, 1986. A request for a public hearing must be made within this same 45-day period.

**ADDRESSES:** Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA-093, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

Docket No. ERA-C&E-86-54 should be printed on the outside of the envelope and the document contained therein.

**FOR FURTHER INFORMATION CONTACT:**

Myra Couch, Coal & Electricity Division, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA-093, Washington, DC 20585. Telephone (202) 252-6769

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6A-113, 1000 Independence Avenue SW., Washington, DC 20585. Telephone (202) 252-6947

**SUPPLEMENTARY INFORMATION: U.S.**

Borax proposes to construct and operate a 45 MW combined cycle in addition to its existing cogeneration facility in Boron, California, which will (1) generate electrical power for sale to Southern California Edison (SCE) and (2) produce steam to be used by U.S. Borax Refinery. The system will consist of a gas turbine, heat recovery steam generator, and extracting/condensing steam turbine-generator. The facility will burn natural gas and will be capable of utilizing #2 oil as a back-up fuel and have a new total capacity of 91 MW.

The cogeneration facility is classified as an electric powerplant under FUA because more than 50 percent of its net annual electric generation will be sold to SCE. Section 212(c) of the Act and 10 CFR 503.37 provide for a permanent cogeneration exemption from the prohibitions of Title II of FUA. In accordance with the requirements of § 503.37(a)(1), U.S. Borax has certified to ERA that:

1. The oil and gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the proposed powerplant, where the calculation of savings is in accordance with 10 CFR 503.37(b);

2. The use of a mixture of petroleum or natural gas and an alternate fuel in the cogeneration facility, for which an exemption under 10 CFR 503.38 would be available, would not be economically or technically feasible; and

3. Prior to operation, all applicable environmental certification will be secured.

On May 22, 1986, DOE published in the Federal Register (51 FR 18866) a notice of the amendment to its guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the amended guidelines, the grant or denial of a cogeneration FUA permanent exemption, is among the classes of actions that DOE has categorically

excluded from the requirement to prepare an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. U.S. Borax has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption.

DOE's Office of Environment, in consultation with the Office of General Counsel, will review the completed environmental checklist submitted by U.S. Borax pursuant to 10 CFR 503.13, together with other relevant information. Unless it appears during the proceeding on U.S. Borax's petition that the grant or denial of the exemption will significantly affect the quality of the human environment, it is expected that no additional environmental review will be required.

The acceptance of the petition by ERA does not constitute a determination that U.S. Borax is entitled to the exemption requested. That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, DC on September 9, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-20866 Filed 9-15-86; 8:45 am]

BILLING CODE 3450-01-M

**Federal Energy Regulatory Commission**

[Docket Nos. ER86-683-000, etc.]

**Bangor Hydro-Electric Co. et al.; Electric Rate and Corporate Regulation Filings**

September 9, 1986.

Taken notice that the following filings have been made with the Commission.

**1. Bangor Hydro-Electric Co.**

[Docket No. ER86-683-000]

Take notice that on August 28, 1986, Bangor Hydro-Electric Company (Bangor) tendered for filing a proposed rate schedule pertaining to a Purchase Sale Agreement (Agreement) made as of August 1, 1986 between Bangor and UNTIL Power Corp. (UNTIL) for the sale of power to UNTIL.



Bangor states that the agreement provides for a sale to UNITIL of 10,000 kilowatts of unit power from Bangor's entitlements in William F. Wyman #4 fossil-fired steam-electric unit located in Yarmouth, Maine, for a period of approximately five years commencing on October 1, 1986.

Bangor requests that the Commission permit the rate schedule to become effective as of October 1, 1986. Bangor states that a copy of the rate schedule has been mailed or delivered to UNITIL, Bedford, N.H.

Comment date: September 22, 1986, in accordance with Standard Paragraph E at the end of this document.

## 2. Bangor Hydro-Electric Co.

[Docket No. ER86-690-000]

Take notice that on August 29, 1986, Bangor Hydro-Electric Company (Bangor) tendered for filing a proposed rate schedule pertaining to a Purchase Sale Agreement (Agreement) made as of June 30, 1986 between Bangor and Fitchburg Gas and Electric Company (Fitchburg) for the sale of power to Fitchburg.

Bangor states that the Agreement provides for a sale to Fitchburg of 7,000 kilowatts of unit power from Bangor's entitlements in William F. Wyman #4 fossil-fired steam-electric unit located in Yarmouth, Maine, for a period of approximately two years commencing on November 1, 1986.

Bangor requests that the Commission permit the rate schedule to become effective on November 1, 1986. Bangor states that a copy of the rate schedule has been mailed or delivered to Fitchburg at Fitchburg, Massachusetts.

Comment date: September 22, 1986, in accordance with Standard Paragraph E at the end of this notice.

## 3. Cambridge Electric Light Co.

[Docket No. ER86-287-002]

Take notice that on August 29, 1986, Cambridge Electric Light Company (Cambridge) tendered for filing a compliance report in response to a Commission letter order approving a settlement in Docket No. ER86-287-001. Cambridge reports that it has refunded certain sums to the Town of Belmont, Massachusetts and that it has filed a rate schedule reflective of the terms and conditions of the settlement agreement.

Comment date: September 22, 1986, in accordance with Standard Paragraph E at the end of this notice.

## 4. Carolina Power & Light Co.

[Docket No. ER86-686-000]

Take notice that on August 28, 1986, Carolina Power & Light Company (CP&L) tendered for filing a Contract, dated August 21, 1986, between the United States of America, Department of Energy, acting by and through the Southeastern Power Administration (SEPA) and CP&L, for the transmission of power delivered from reservoir projects in the Cumberland River Basin known as the Dale Hollow, Center Hill, Wolf Creek, Old Hickory, Cheatham, Barkley, J. Percy Priest, and Cordell Hull Projects (Cumberland Projects).

Under the provisions of the Contract, CP&L will receive from SEPA 14,000 KW of dependable capacity. Of this capacity, 12,300 kW will be transmitted by CP&L to the SEPA preference customers located within CP&L's western area. If the electric capacity and energy for the preference customers cannot be delivered through interconnection(s) between TVA and CP&L, CP&L will deliver the appropriate capacity and energy to the various preference customers. SEPA will make a monthly payment to CP&L for transmitting the power to the preference customers. CP&L states that it is proposed that the Commission waive its 60-day notice requirements to allow the Contract to become effective on September 1, 1986.

Comment date: September 22, 1986, in accordance with Standard Paragraph E at the end of this notice.

## 5. Interstate Power Co.

[Docket No. ES86-57-000]

Take notice that on September 2, 1986, Interstate Power Company (Applicant) filed an application with the Commission seeking an order pursuant to section 204 of the Federal Power Act for authorization to issue not more than \$50 million of short-term promissory notes and commercial paper on or before December 31, 1987 and to mature not later than December 31, 1988.

Comment date: October 18, 1986, in accordance with Standard Paragraph E at the end of this notice.

## 6. Central Vermont Public Service Corp.

[Docket No. ER86-689-000]

Take notice that on August 29, 1986, Central Vermont Public Service Corporation (Central Vermont) tendered for filing proposed changes in the following rate schedules:

Customer	Rate schedule FERC No.
Vermont Electric Generation and Transmission Cooperative, Inc.	88
Lyndonville Electric Department	92
Village of Ludlow Electric Light Department	96
Village of Johnson Water and Light Department	106
Village of Hyde Park Water and Light Department	111

The proposed changes would increase revenues from jurisdictional sales and service by \$339,932 for the twelve month period ending October 31, 1986.

Central Vermont states that the change is proposed in accordance with Article V of Central Vermont's Power Purchase Contracts which provide that charges will be updated annually to incorporate Central Vermont's purchased power cost experience for the preceding twelve months ending October and Central Vermont's capacity cost associated with company-owned generating facilities for the preceding calendar year. Central Vermont proposed an effective date of November 1, 1986.

Copies of this filing were served upon the customers and the Vermont Public Service Board.

Comment date: September 22, 1986, in accordance with Standard Paragraph E at the end of this notice.

## 7. Connecticut Light and Power Co.

[Docket No. ER86-691-000]

Take notice that on August 29, 1986, the Connecticut Light and Power Company (CL&P) tendered for filing a proposed change rate schedule pertaining to a Purchase Agreement with Respect to Various Gas Turbine Units between CL&P and Central Maine Power Company (CMP) dated as of November 1, 1985. CL&P states that the Purchase agreement provides for a sale to CMP of a specified percentage of capacity and energy from CL&P's various gas turbine units (the Units) during the period November 1, 1985 until 30 days written notice by either party to the other party. CL&P requests that the Commission permit the rate schedule filed to become effective as of November 1, 1985.

CL&P states that copy of the filing has been mailed to CMP at Augusta, Maine. CL&P further states that the filing is in accordance with Part 35 of the Commission's Regulations.

Comment date: September 22, 1986, in accordance with Standard Paragraph E at the end of this notice.



**8. Iowa Public Service Co.**

[Docket No. ER86-672-000]

Take notice that on August 25, 1986, Iowa Public Service Company tendered for filing in this docket revised sets of ownership percentages in the Neal 4 Transmission and Generating Agreement which clarify and update the ownership percentages of the Algona Municipal Utilities and Iowa Public Service Company.

Iowa Public Service Company states that copies of its filing have been served upon Northwestern Public Service Company, Interstate Power Company and the Iowa Utilities Board.

Comment date: September 22, 1986, in accordance with Standard Paragraph E at the end of this notice.

**9. New England Power Pool**

[Docket No. ER86-694-000]

Take notice that on September 2, 1986, the New England Power Pool (NEPOOL) filed an Agreement Amending the New England Power Pool Agreement (AMENDMENT), dated as of September 1, 1986, which modifies the provisions of the New England Power Pool Agreement, dated as of September 1, 1971, and amended by twenty-one amendments, the most recent of which was dated as of January 1, 1986.

The NEPOOL Executive Committee states that the AMENDMENT is in eight parts and changes various provisions of the NEPOOL Agreement to: (1) Implement a program which provides incentives for NEPOOL Participant systems to optimize performance of their generating units; and (2) Express Capabilities, Capability Responsibilities and Objective Capabilities in seasonal terms.

The NEPOOL Executive Committee states that one of the purposes of the AMENDMENT is to establish a generating unit Performance Incentive Program, and pool rules have been developed to implement that program. The rules have been filed as a supplement to the AMENDMENT.

The NEPOOL Executive Committee has requested that the AMENDMENT be permitted to become effective on the date specified in the AMENDMENT, November 1, 1986.

Comment date: September 22, 1986, in accordance with Standard Paragraph E at the end of this notice.

**10. Pacific Power & Light Co.**

[Docket No. ER86-693-000]

Take notice that on September 2, 1986, Pacific Power & Light Company (Pacific), an assumed business name of PacifiCorp, tendered for filing, in

accordance with Section 35.30 of the Commission's Regulations, Pacific's Revised Appendix 1 for the state of Idaho and Bonneville Power Administration's (Bonneville) Determination of Average System Cost (ASC) for the state of Idaho (Bonneville's Docket No. 5-A3-8601). The Revised Appendix 1 calculates the ASC for the state of Idaho applicable to the exchange of power between Bonneville and Pacific.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective January 1, 1986, which it claims is the date of commencement of service.

Copies of the filing were supplied to Bonneville, the Idaho Public Utilities Commission, Boise, Idaho, and Bonneville's Direct Service Industrial Customers.

Comment date: September 23, 1986, in accordance with Standard Paragraph E at the end of this notice.

**11. Public Service Co. of New Hampshire**

[Docket No. ER86-685-000]

Take notice that on August 28, 1986, Public Service Company of New Hampshire (PSNH) tendered for filing a Sales Agreement between PSNH and Central Maine Power Company (CMP).

PSNH states that under the Sales Agreement PSNH will supply and deliver to CMP 10 megawatts of capacity and associated energy from PSNH's White Lake gas turbine unit. PSNH further states that the term of the Sales Agreement commenced June 1, 1986 and terminates October 31, 1986.

PSNH requests an effective date of June 1, 1986, and therefore requests waiver of the Commission's notice requirements.

Comment date: September 22, 1986, in accordance with Standard Paragraph E at the end of this notice.

**12. Union Electric Co.**

[Docket No. ER86-682-000]

Take notice that on August 28, 1986, Union Electric Company (UE) tendered for filing an Amendment dated July 31, 1986, to the Interchange Agreement dated June 28, 1978, between Associated Electric Cooperative, Incorporated and UE. UE asserts that the Amendment primarily provides for revised interconnection points and additional delivery points.

Comment date: September 22, 1986, in accordance with Standard Paragraph E at the end of this notice.

**Standard Paragraphs:**

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 86-20886 Filed 9-15-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER86-697-000, etc.]

**Commonwealth Edison Co. et al.; Electric Rate and Corporate Regulation Filings**

September 10, 1986.

Take notice that the following filings have been made with the Commission.

**1. Commonwealth Edison Co.**

[Docket No. ER86-697-000]

Take notice that on September 3, 1986, Commonwealth Edison Company tendered for filing changes in Rate 79A applicable to the City of Rochelle, Illinois. According to the filing party, the changes are pursuant to the contract between the City of Rochelle and Commonwealth Edison Company in which changes in Rate 79A are to be made as a result of decisions of the Illinois Commerce Commission concerning Rate 6L, Large General Service. The filing company requests waiver of the Commission's notice regulations to allow the filing to go into effect as of October 1, 1986.

Comment date: September 24, 1986, in accordance with Standard Paragraph E at the end of this notice.

**2. Central Vermont Public Service Corp.**

[Docket No. ER81-649-001]

Take notice that on September 5, 1986, Central Vermont Public Service Corporation (CVPS) tendered for filing additional material to its filing in this docket of May 30, 1986. The additional



material consists of a Statement BM concerning the earlier filing of CVPS.

CVPS states that it has provided copies of the filing to the recipients of its earlier filing of May 30, 1986.

Comment date: September 18, 1986, in accordance with Standard Paragraph E at the end of this notice.

### 3. Connecticut Light and Power Co.

[Docket No. ER86-698-000]

Take notice that on September 5, 1986, Connecticut Light and Power Company (CL&P) tendered for filing as an initial rate schedule an exchange agreement (the Agreement) between CL&P and the United Illuminating Company (UI). The Agreement, dated as of June 1, 1985, provides for CL&P to exchange unit capacity and associated energy from certain of its generating units for capacity and associated energy from a certain one of UI's generating units.

The term of the Agreement began on June 1, 1985 and will continue until October 31, 1986, unless extended by mutual agreement of the parties. CL&P requests that the Commission waive its standard notice period and allow the Agreement to become effective on June 1, 1985. CL&P states that UI has filed a Certificate of Concurrence in this docket and that a copy of the rate schedule has been mailed to UI, New Haven, Connecticut.

Comment date: September 23, 1986, in accordance with Standard Paragraph E at the end of this notice.

### 4. Interstate Power Co.

[Docket No. ER86-699-000]

Take notice that on September 5, 1986, Interstate Power Company (IPC) tendered for filing new Electric Service Agreements between the communities of Jackson, Minnesota and IPC and Worthington, Minnesota and IPC. The proposed agreements would amend FERC rate schedules 122 and 108 respectively.

The agreements provide for lower transformer losses when low side metering is involved, an increase in average power factor requirements and the implementation of late payment penalties.

Comment date: September 23, 1986, in accordance with Standard Paragraph E at the end of this notice.

### 5. Northern States Power Co.

[Docket No. ER86-598-000]

Take notice that on September 4, 1986, Northern States Power Company (NSP) tendered for filing additional information intended to supplement the filing made on July 14, 1986 in the above

referenced docket number concerning the United States Department of Energy Western Area Power Administration Interconnection Contract and Supplement No. 1 with NSP (Interconnection Contract and Supplement).

The Interconnection Contract and Supplement contains an interchange energy settlement price which is used under specific circumstances to settle an energy balance account. Although the net value for the interchange energy is subject to revision by mutual agreement, the Interconnection Contract and Supplement specifies an initial value for the energy of six mills per kilowatthour. The parties have agreed that this rate is noncompensatory and that a new rate will be settled upon. NSP renewed the requests for an effective date of June 2, 1986 and for a waiver of the Commission's notice requirements.

Comment date: September 24, 1986, in accordance with Standard Paragraph E at the end of this notice.

### 6. San Diego Gas and Electric Co.

[Docket No. EC86-27-000]

Take notice that on August 29, 1986, San Diego Gas and Electric Company (SDG&E) tendered for filing in this docket an application seeking an order granting authorization, within limitations, to purchase securities of other public utilities. SDG&E states that the purpose of such authorization would be to allow SDG&E to acquire such securities as part of a planned expansion of corporate investments. SDG&E further states in its application that it seeks authorization to hold, own or possess any given class of security in an amount no greater than one percent (1%) of the capital stock or funded debt outstanding of the entity issuing the security.

SDG&E also seeks a modified reporting requirement to provide during implementation of SDG&E's expanded investment plan that SDG&E shall report its activities under the plan on an annual basis.

Comment date: September 24, 1986, in accordance with Standard Paragraph E at the end of this notice.

### 7. Southeastern Power Administration

[Docket No. EF86-3021-000]

Take notice that on September 5, 1986, the Southeastern Power Administration (SEPA) tendered for filing proposed final rates for a period beginning September 1, 1986 and ending June 30, 1989 for power from SEPA's Cumberland Basin Projects. SEPA proposes in its filing to amend the prior filing in Docket No. EF84-3021-000 to replace Rate Schedule

CC-1-A with Rate Schedule CC-1-B. SEPA states that the rate adjustment will increase annual revenues by \$2,820,000, an increase of approximately 9 percent. The increase is due to a new transmission charge which is being passed directly to the affected customers. The interim rate schedule is submitted by SEPA for confirmation and approval on a final basis pursuant to authority vested in the Commission by Delegation Order No. 0204-108.

Comment date: September 23, 1986, in accordance with Standard Paragraph E at the end of this notice.

### Standard Paragraphs:

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 86-20887 Filed 9-15-86; 8:45 am]

BILLING CODE 6717-01-M

### [Docket Nos. CP86-701-000, etc.]

#### Tennessee Gas Pipeline Co. et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

#### 1. Tennessee Gas Pipeline Company

[Docket No. CP86-701-000]

September 9, 1986.

Take notice that on August 27, 1986, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed an application pursuant to section 7(c) of the Natural Gas Act and the authority delegated to the Commission in § 375.307(a)(5) of Subchapter W of Chapter I, Title 18 CFR, to render a transportation service to Chevron U.S.A., Inc. (Chevron), pursuant to the terms of a gas transportation agreement between Applicant and Chevron dated



August 19, 1986 (Agreement), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to the provisions of the agreement, it is stated, Applicant has agreed to endeavor to accept, receive, transport and deliver up to 500 dt equivalent of natural gas per day for Chevron at the existing interconnection between the facilities of Applicant and Chevron, located in South Pass Block 24, offshore Louisiana. It is further stated that the quantities of gas to be transported for Chevron are proposed from reserves located in South Pass Block 37, offshore Louisiana. Applicant further states that it will return equivalent quantities of gas for Chevron at an interconnection between Chevron and Applicant located in Venice, Plaquemines Parish, Louisiana.

Applicant states that Chevron will pay Applicant a quantity charge equal to the product of 4.34¢ per dt equivalent multiplied by the total quantity of gas in dekatherms delivered by Applicant for Chevron during the month. In addition, it is stated, Chevron will provide Applicant with .56% of the quantity of natural gas received from Chevron any day for system fuel end uses and gas lost and unaccounted for.

*Comment date:* September 30, 1986, in accordance with Standard Paragraph F at the end of this notice.

## 2. Natural Gas Pipeline Company of America

[Docket No. CP85-57-011]

September 9, 1986.

Take notice that on August 27, 1986, Natural Gas Pipeline Company of America (Natural) tendered for filing Eighth Revised Sheet No. 5E to be a part of its FERC Gas Tariff, Third Revised Volume No. 1.

Natural states that the purpose of this sheet is to set out the threshold percentages and discount rates applicable to Rate Schedule IOS for the month of September, 1986, and that the filing is being made in accordance with the provisions of Rate Schedule IOS which was authorized by FERC order issued March 13, 1986 in Docket No. CP85-57-003.

Natural requests waiver of the Commission's regulations to the extent necessary to permit the enclosed tariff sheet to become effective September 1, 1986. Natural has mailed copies of this filing to its jurisdictional customers and to interested state regulatory agencies.

*Comment date:* September 16, 1986, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

## 3. Chandeaur Pipe Line Company

[Docket No. CP86-667-000]

September 10, 1986.

Take notice that on August 21, 1986, Chandeaur Pipe Line Company (Chandeaur), P.O. Box 7141, San Francisco, California 94120-7141, filed in Docket No. CP86-667-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities to receive natural gas at additional receipt points on its system so that it may fulfill its existing certificated obligations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Chandeaur states that it presently owns and operates a system consisting of two parallel pipelines, each of which is approximately 80 miles in length and originating in Main Pass Block 41 Field, offshore Louisiana. Chandeaur further states that all of the gas which flows in the Chandeaur system enters at this point and is transported to the terminus of the system which is located at the Chevron U.S.A. Inc. (Chevron), refinery complex in Pascagoula, Mississippi. Chandeaur also states that it transports gas for Chevron and Mississippi Power Company (MPCo) pursuant to certificates previously issued by the Commission.

Chandeaur requests authority to construct necessary side taps and appurtenances in order to receive gas from new sources for use by Chevron and MPCo. Chandeaur would then use existing authorized transportation capacity to deliver the gas to facilities within the refinery. Chandeaur also seeks authority to receive gas at the following points: (1) At the western boundary of the refinery where United Gas Pipe Line Company (United) and Mississippi Gulf South Transmission Company (MGSTC) have existing facilities; and (2) Such other points on the Chandeaur system that may be necessary in order for Chandeaur to receive gas to continue its existing certificated transportation service. Also, to receive gas at the western boundary of the plant, Chandeaur would purchase 1,200 feet of 12-inch pipe from Chevron to enable Chandeaur to connect with the existing facilities of United and MGSTC.

*Comment date:* October 1, 1986, in accordance with Standard Paragraph F at the end of this notice.

## 4. El Paso Natural Gas Company

[Docket No. CP86-702-000]

September 10, 1986.

Take notice that on August 27, 1986, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP86-702-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act for authorization to construct and operate a meter station and to relocate and modify an existing tap to a meter station for the delivery of gas to Southwest Gas Corporation (Southwest) for resale to domestic and commercial end-users in Mohave County, Arizona, under the certificate issued in Docket No. CP82-435-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

El Paso states that it has received a written request from Southwest for new gas service to Southwest for an existing residential subdivision (Tierra Verde Subdivision), and an increase in existing gas service to Southwest for use in the Lower Mohave Valley. El Paso indicates that providing the services requested by Southwest would require the construction of a new sales meter station at an estimated cost of \$33,800; and the relocation of a tap to accommodate widening of a nearby road, and the conversion of the relocated facilities to a meter station at an estimated cost of \$21,200. Both meter stations would be located at points on El Paso's existing 20-inch diameter loop extending from El Paso's San Juan Crossover Line to the Colorado River in Mohave County, Arizona. Southwest has advised El Paso that Southwest will install other related facilities, as needed, for distribution of the requested quantities of natural gas to the Tierra Verde Subdivision and the Lower Mohave Valley.

El Paso has estimated that it would sell to Southwest 73,000 Mcf per year during the third full year of operation for resale in the Tierra Verde Subdivision and 43,860 Mcf per year during the third full year of operation for resale in the Lower Mohave Valley. Maximum peak day gas requirements during the third calendar year of service are estimated to be 950 Mcf and 570 Mcf per day for the Tierra Verde Subdivision and the Lower Mohave Valley, respectively.

El Paso states that the proposed natural gas service requested by Southwest would not alter Southwest's entitlements under El Paso's permanent allocation plan, and would have a



negligible effect on El Paso's peak day and annual deliveries.

El Paso has indicated that Southwest would pay El Paso the ABD-L-AZ rate reflected from time to time on Sheet No. 100 of El Paso's Volume No. 1 Tariff for each Mcf sold at the Tierra Verde and Lower Mohave Valley meter stations.

*Comment date:* October 27, 1986, in accordance with Standard Paragraph G at the end of this notice.

##### 5. Panhandle Eastern Pipe Line Company, Trunkline Gas Company

[Docket No. CP86-655-000]

September 10, 1986.

Take notice that on August 6, 1986, Panhandle Eastern Pipe Line Company (Panhandle) and Trunkline Gas Company (Trunkline) (Applicants), P.O. Box 1642, Houston, Texas, 77251-1642, filed in Docket No. CP86-655-000 a joint application pursuant to sections 7(b) and 7(c) of the Natural Gas Act and the regulations thereunder for certificates of public convenience and necessity authorizing the transportation of natural gas on behalf of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicants state that pursuant to two transportation agreements dated May 30, 1986, they have agreed to transport on a best efforts basis up to 10,000 Mcf of natural gas per day on behalf of Tennessee. Applicants indicate that Panhandle would receive the gas for Tennessee's account at an existing point of interconnection in Kearny County, Kansas. They then state that Panhandle would redeliver the gas for Tennessee's account to Trunkline at an existing interconnection located in Douglas County, Illinois. It is then stated that Trunkline would redeliver the gas for Tennessee's account, to Midwestern Gas Transmission Company (Midwestern) at an existing point of interconnection with Midwestern in Vermilion County, Illinois. Applicants state that Tennessee would pay Panhandle and Trunkline unit transportation charges of 42.04 cents per Mcf and 32.56 cents per Mcf, respectively, for a total of 74.60 cents per Mcf of gas. They indicate that the requested charges are based on Applicants' PT Rate Schedules.

Applicants propose a term to expire the earlier of (a) May 30, 1988, or (b) thirty days following the dates Applicants accept blanket certificates of public convenience and necessity authorized under Subpart G of 18 CFR Part 284 of the Commission's

Regulations. Applicants also request pregranted abandonment authority when the respective terms expire.

Applicants indicate that no facilities are requested to be constructed by this application.

*Comment date:* October 1, 1986, in accordance with Standard Paragraph F at the end of this notice.

##### 6. Southern Natural Gas Company

[Docket No. CP86-706-000]

September 10, 1986.

Take notice that on August 29, 1986, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP86-706-000, a request pursuant to §§ 157.205 and 157.216 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to abandon by removal the Springdale meter station and related facilities in Jefferson County, Alabama, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Southern contends that the Springdale meter station for some time has been retained only for emergency use, but that such facilities are now obsolete and are no longer reliable. The Springdale meter station is one of twelve stations serving the Birmingham area, thus Southern would continue to efficiently serve the areas involved from the North Birmingham and Tarrant meter stations.

Southern further states that the facilities proposed to be abandoned are located on Southern's 20-inch north main line and 22-inch north main loop line. The removal cost is estimated to be \$2,000. Southern also indicates that all of the customers served by the facilities to be abandoned have consented to the proposed abandonment, and that such customers' gas service would not be diminished by the proposed abandonment.

*Comment date:* October 27, 1986, in accordance with Standard Paragraph G at the end of this notice.

##### 7. Tennessee Gas Pipeline Company, a Division of Tenneco Inc. and Columbia Gulf Transmission Company

[Docket Nos. CP79-444-002; CP81-474-002]

September 10, 1986.

Take notice that on August 29, 1986, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed an application pursuant to § 157.7 of the Commission's Regulations, and the authority delegated by the Commission in § 357.307(a)(5) of Subchapter W of Chapter I, Title 18

CFR, to amend the orders dated September 26, 1980 and November 4, 1981, issuing certificates of public convenience and necessity in Docket Nos. CP79-444 and CP81-474, respectively, all as more fully set forth in this application which is on file with the Commission and open to public inspection.

By order issued September 26, 1980, in Docket No. CP79-444, the Commission, *inter alia*, issued a certificate to Applicant and Columbia Gulf Transmission Company (Columbia Gulf) for the construction and operation of facilities to connect reserves in the vicinity of the South Pass area, offshore Louisiana (South Pass 77 Project). Additionally, the Commission authorized the transportation of gas for Gulf Oil Corporation, predecessor to Chevron U.S.A. Inc. (Chevron), by Applicant and Columbia Gulf from various points of receipt on the South Pass 77 Project to its terminus at Applicant's pipeline in Plaquemines Parish, Louisiana. Further, by order issued November 4, 1981, in Docket No. CP81-474, the Commission issued to Applicant a certificate to transport Chevron's gas from the terminus of South Pass 77 Project to a point near the inlet of Chevron's Venice Plant in Plaquemines Parish, Louisiana.

It is stated that the gas to be transported by Applicant under the authorization in said dockets was intended to be used by Chevron to satisfy, in part, Chevron's outstanding warranty obligation to Texas Eastern Transmission Corporation in Docket No. CI64-26. It is further stated that Chevron has gas supplies available to it located in the vicinity of the South Pass 77 Project. Chevron has requested Applicant to transport such gas pursuant to the Commission's authorization in the referenced dockets, and to redeliver the volumes to or for Chevron's account at the delivery point authorized in Docket No. CP81-474. Chevron intends to use these volumes either for itself or to sell on the spot market, it is contended, and in order to do either the Commission's orders herein must be amended to permit such transportation.

*Comment date:* October 1, 1986, in accordance with Standard Paragraph F at the end of this notice.

##### 8. Texas Eastern Transmission Corporation

[Docket No. CP86-706-000]

September 10, 1986.

Take notice that on September 2, 1986, Texas Eastern Transmission Corporation (TETCO), Post Office Box



2521, Houston, Texas 77252, filed in Docket No. CP86-708-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to add two new sales delivery points to its existing Rate Schedule DCQ-D and I-D, and WS service agreements with the Brooklyn Union Gas Company (BUG) under the certificate issued in Docket No. CP82-535-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

TETCO proposes to add to its existing Rate Schedule DCQ-D and I-D, and WS service agreements the two existing points of interconnection between the pipeline systems of TETCO and Transcontinental Gas Pipe Line Corporation (Transco) at M&R Station No. 244 near Linden, New Jersey, and M&R Station No. 919 near Lambertville, New Jersey. It is stated that deliveries of natural gas would be made to Transco for the account of BUG, for further transportation by Transco for redelivery to BUG. It is maintained that no additional facilities would be required.

It is stated that TETCO and BUG would execute superseding service agreements providing for the delivery of quantities of natural gas presently certificated for sale under TETCO's Rate Schedule DCQ-D and I-D, and WS which will establish the following maximum daily delivery obligations (MDDO):

Delivery point	MDDO
DCQ-D and ID Service Agreement	
M & R Station No. 244	51,315 dt
M & R Station No. 919	30,000 dt
WS Service Agreement	
M & R Station No. 244	60,000 dt
M & R Station No. 919	30,000 dt

TETCO states that there would be no changes in MDDO at the other existing delivery point in the superseding service agreements, nor would there be any increase in the total contract quantities. It is stated that the natural gas quantities delivered would be utilized as general system supply by BUG.

*Comment date:* October 27, 1986, in accordance with Standard Paragraph G at the end of this notice.

#### 9. Texas Eastern Transmission Corporation

[Docket No. CP84-429-020]

September 9, 1986.

Take notice that on September 8, 1986, Texas Eastern Transmission

Corporation (Petitioner), Post Office Box 2521, Houston, Texas 77252, filed in Docket No. CP84-429-020 a petition to further amend the order issued August 15, 1985, as amended August 1, 1986, pursuant to section 7(c) of the Natural Gas Act so as to authorize certain revisions to Petitioner's DCQ contract adjustment program (DCQ Program) authorized by the August 15, 1985 order, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that the August 15, 1985 order, among other things, granted authorization to Algonquin Gas Transmission Company (Algonquin) in Docket No. CP84-654-001 to sell an additional 69,084 dt equivalent of natural gas per day it would receive under the DCQ Program to thirteen of its distribution company customers and to construct related facilities. Petitioner states that the August 1, 1986 order granted Petitioner authority to further increase Algonquin's DCQ Program volumes by 4,612 dt equivalent of natural gas per day. Further, Petitioner states that Algonquin has pending in Docket No. CP86-480-000 an application to sell, and construct facilities necessary to provide its share of the reallocated DCQ Program volumes approved by the August 1, 1986 order made available by the abandonment of these by National Fuel Gas Supply Corporation and National Gas and Oil Corporation.

Petitioner alleges that it has been advised by Algonquin that due to unavoidable delays in obtaining governmental authorizations, including certain state and local permits, Algonquin would not be able to finish a segment of pipeline loop in New Jersey. Algonquin projects that the total supply of 73,696 dt equivalent of natural gas per day available for purchase from Petitioner it would have capacity to receive and deliver only 62,243 dt equivalent of natural gas per day—a shortfall of 11,453 dt equivalent of natural gas per day. Petitioner states it has agreed to accommodate Algonquin's shortfall in receipts by arranging for the sale of an equivalent amount of gas to Long Island Lighting Company (LILCO), a DCQ Program participant, for a limited-term, ending October 31, 1987.

Petitioner requests that the August 15, 1985 order, be further amended as to Algonquin and LILCO, to authorize the following firm DCQ program maximum daily quantities (MDQ) and annual contract quantities (ACQ) of natural gas:

	DCQ increase (dt)	
	MDQ	ACQ
To Algonquin		
Commencing November 1, 1986	62,243	22,718,695
Commencing November 1, 1987 <sup>1</sup>	73,696	26,899,040
To LILCO		
Commencing November 1, 1986	15,692	5,727,580
Commencing November 1, 1987 <sup>1</sup>	4,239	1,547,235

<sup>1</sup> Or such other date after November 1, 1986, but prior to November 1, 1987, as is mutually agreeable by Petitioner, Algonquin and LILCO.

Petitioner states that the new DCQ service agreements have been entered into reflecting the quantities for which authorization is requested herein and that no additional facilities are required to implement the increased sale to LILCO.

Petitioner alleges that the incremental cost of service attributable to the facilities authorized by the August 15, 1985 order and the August 1, 1986 order would be recovered through the incremental demand surcharge to Petitioner's Rate Schedules DCQ, GS, and SGS customers participating in the DCQ Program. Petitioner also alleges that where the August 1, 1986 order provided that Petitioner would assume sole cost responsibility for the cost of service associated with facilities approved by the August 1, 1986 order to provide gas to Algonquin, pending approval of Algonquin's application in Docket No. CP86-480-000, Petitioner proposes and LILCO has agreed in a September 8, 1986, service agreement contained in Exhibit I of the Petition to Amend, that such cost of service attributable to the quantities allocated to LILCO would now be recovered through the incremental surcharge to LILCO.

Petitioner alleges that the grant of the Petition to Amend would enable Petitioner to continue to help meet the demands of its Zone D customers by making available the entirety of the Columbia Gas Transmission Corporation's Rate Schedule DCQ reduction and would assist LILCO in meeting its requirements for the forthcoming winter heating season.

*Comment date:* September 23, 1986, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

#### Standard Paragraphs:

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and



Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 86-20888 Filed 9-15-86; 8:45 am]  
BILLING CODE 6717-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[ORD-FRL-3079-6]

### Ambient Air Monitoring Reference and Equivalent Methods; Receipt of Application From Dasibi Environmental Corp. for a Reference Method Determination

Notice is hereby given that on August 22, 1986, the Environmental Protection Agency received an application from Dasibi Environmental Corporation to determine if its Model 3008 Gas Filter Correlation CO Analyzer should be designated by the Administrator of the EPA as a reference method under 40 CFR Part 53 (40 FR 7044, 41 FR 11255). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the Federal Register. Contact for further information is Frederick Smith at (919) 541-4599.

Allan Neuschats,  
Assistant Administrator for Research and Development.

September 9, 1986.  
[FR Doc. 86-20883 Filed 9-15-86; 8:45 am]  
BILLING CODE 6560-50-M

[OW-FRL-3080-7]

### Management Advisory Group Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the Management Advisory Group to the EPA Construction Grants Program (MAG) will be held on October 8-9, 1986, at Los Angeles, California.

The meeting will take place at the Los Angeles Hilton Hotel, 930 Wilshire Boulevard, Los Angeles, California 90017, on October 8, 1986, from 1 p.m. to 5 p.m., and from 8 a.m. to 5 p.m. on October 9, 1986.

The agenda will principally consist of meetings of the MAG Task Forces on Sludge Management and Infiltration/Inflow. The agenda will also include briefings and discussions on other topics of current or future interest to MAG. Any member of the public wishing to make comments is invited to submit them in writing to the Executive Secretary at the meeting.

The meeting will be open to the public. For additional information, please contact Georgette Brown at (202) 382-5859.

Dated: September 5, 1986.

Rebecca W. Hanmer,  
Acting Assistant Administrator for Water.  
[FR Doc. 86-20884 Filed 9-15-86; 8:45 am]  
BILLING CODE 6560-50-M

[OW-4-FRL-3080-8]

### Approval of Tennessee's NPDES Program To Regulate Federal Facilities

AGENCY: Environmental Protection Agency.

ACTION: Notice of approval of the State of Tennessee's request for authority to administer the National Pollutant Discharge Elimination System (NPDES) program with respect to Federal facilities.

SUMMARY: On September 30, 1986 the Environmental Protection Agency (EPA) approved the State of Tennessee's request to include regulation of Federal facilities under their State water pollution permit program. Previously the State has been approved to participate in the NPDES program.

FOR FURTHER INFORMATION CONTACT: James Patrick at (404) 347-3012 Water Management Division, 345 Courtland Street NE., Atlanta, Georgia 30365.

SUPPLEMENTARY INFORMATION: In 1977 Congress amended section 313 of the Clean Water Act (33 U.S.C 1251 *et seq.*) to authorize to regulate Federally owned or operated facilities under their water pollution control programs. Prior to the amendment, States, including those authorized pursuant to section 402(b) of the Clean Water Act to participate in the NPDES program, were precluded from regulating Federal facilities. Therefore, EPA in approving State programs under section 402(b) reserved the authority to issue NPDES permits to Federal facilities.

With the passage of the 1977 amendments, EPA has been transferring NPDES authority over Federal facilities to approved States. Today's Federal Register notice is to announce the approval of the State of Tennessee's request to assume NPDES authority over Federal facilities. Public Notice of this proposed program modification was published on April 2, 1986 [51 FR 10236-10237], and no comments concerning transfer of Federal facilities authority to Tennessee were received by this Agency.

This same April 2, 1986 Public Notice also proposed a program modification to allow the State to issue general permits. However, we have now determined that regulatory changes are needed in order to issue general permits. Therefore, the



Environmental Protection Agency is not approving the program modification for general permitting at this time. Numerous requests from concerned citizens to conduct a public hearing regarding general permitting authority were received, specifically expressing concern that the coal mining industry should continue to be regulated by individual permit rather than a general permit. When the State completes the necessary regulatory changes, we will repropose a program modification to authorize the issuance of general permits. A public notice of this reproposal will provide for a comment period and an opportunity for interested persons to request a public hearing.

Dated: September 30, 1986.

Jack E. Ravan,

Regional Administrator.

[FR Doc. 86-20571 Filed 9-15-86; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL HOME LOAN BANK BOARD

[No. 86-952]

### Prices for Federal Home Loan Bank Services

September 8, 1986.

**AGENCY:** Federal Home Loan Bank Board.

**ACTION:** Notice of prices for Federal Home Loan Bank Services.

**SUMMARY:** The Office of District Banks and the Office of Policy and Economic Research of the Federal Home Loan Bank Board ("Board") are publishing, pursuant to delegated authority, the prices charged by the Federal Home Loan Banks for (1) processing and settlement of items and (2) demand deposit services offered to member institutions.

**EFFECTIVE DATE:** September 16, 1986.

**FOR FURTHER INFORMATION, PLEASE**

**CONTACT:** Richard J. Hotelling, (202 377-6715), or William J. Carey, (202) 377-6656, Office of District Banks, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552.

**SUPPLEMENTARY INFORMATION:** Section 11(e) of the Federal Home Loan Bank Act ("Bank Act") (12 U.S.C. 1431(e)) authorizes the Federal Home Loan Banks (1) to accept demand deposits from member institutions, (2) to be drawees of payment instruments, (3) to engage in collection and settlement of payment instruments drawn on or issued by members and eligible institutions, and (4) to engage in such incidental activities as are necessary to

the exercise of such authority. Section 11(e)(2)(B) of the Bank Act (12 U.S.C. 1431(e)(2)(B)) requires the Federal Home Loan Banks to charge fees for services authorized in that section, which fees are "to be determined and regulated by the Board consistent with the principles set forth in section 11A(c) of the Federal Reserve Act." Board regulations at 12 CFR 534.6 require that the Director of the Office of District Banks and the Director of the Office of Policy and Economic Research (or their designees) review, approve, and publish these fees at least annually. The regulations specify that the fees must be reviewed in accordance with the following pricing principles:

(1) In determining the fees for services provided under this part, a Federal Home Loan Bank must take into account all direct and indirect costs of providing the services.

(2) Prices must reflect the imputed rate of return that would have been earned and the taxes that would have been paid if the Bank were a private corporation, by using a cost of capital adjustment factor applied to those assets used in providing services authorized under this part.

(3) All costs must be fully recovered within a period not exceeding 5 years. The prices charged for collection, processing, and settlement services must yield at least a competitive rate of return within a period not exceeding five years after offering such services.<sup>1</sup>

In accordance with these principles, the Director of the Office of District Banks and the Director of the Office of Policy and Economic Research have reviewed and approved the current prices for Federal Home Loan Bank services, which are published herewith. The services and their prices are divided into two categories: (1) Services involved in the processing and settlement of items drawn on or issued by member institutions (Schedule A); and (2) service relating to demand deposit accounts maintained by member institutions with the Banks (Schedule B).

The services described in the attached schedules are not identical for any two Banks, as each Bank's program is tailored to meet the needs of the member institutions in the Bank's district. Furthermore, the volume of services rendered varies significantly among the districts, with the result that the costs of providing the services also

vary from district to district. In light of these considerations, the Board continues its practice of approving separate district fee structures rather than adopting a uniform pricing scheme. This policy is consistent with the congressional intent that pricing encourage competition.

It is not required that each processing step or transaction performed by a Bank be specifically priced. This policy permits the Banks to establish fee schedules that are in line with the marketing practices of providers of correspondent services in each district. However, total revenue from services must be sufficient to cover costs. In the case of item processing and settlement services, fees must be sufficient to recover all start-up costs within five years. Demand deposit service expenses must be recovered annually, because the Banks have provided these services for many years, and thus have attained mature service volumes.

The price analysis incorporates an imputed cost of capital adjustment factor of 15 percent. This adjustment factor is required by 12 CFR 534.6(b)(2) in order to yield a fee structure competitive with prices charged by private-sector servicers. The current 15 percent figure was derived in accordance with a formula which is described in detail at 45 FR 64161 (Sept. 29, 1980).

The directors of the Office of District Banks and the Office of Policy and Economic Research of the Federal Home Loan Bank Board hereby give notice of the following fee schedules for Federal Home Loan Bank services:

#### Schedule A: Item Processing and Settlement Services

##### DISTRICT 1.—FEDERAL HOME LOAN BANK OF BOSTON

(Services not provided)

##### DISTRICT 2.—FEDERAL HOME LOAN BANK OF NEW YORK

Service	Fee
Settlement (per month)	\$100.00
Minimum monthly fee	100.00
Standard intercept (per item)	.035
Standard intercept-delayed check (per item)	.025
Check safekeeping:	
First 100,000 items/month (per item)	.020
100,001 plus items/month (per item)	.010
Bulk filing:	
First 100,000 items/month (per item)	.025
100,001 plus items/month (per item)	.015
Statement rendering:	
Bulk filing with items (per statement)	.30
Check safekeeping without items (per statement)	.02
Stop payment, suspect item, and certified item file (per entry)	1.50
Item returns (per item)	3.00
Item returns without entry (per item)	3.00
Photocopies (per copy)	2.50

<sup>1</sup> By Resolution No. 82-811, the Board proposed to substitute a ten-year rule for this five-year requirement. 47 FR 57293 (Dec. 23, 1982). No final action has been taken with respect to the proposal; however, the Board still has it under consideration.



DISTRICT 2.—FEDERAL HOME LOAN BANK OF  
NEW YORK—Continued

Service	Fee
Original item retrieval (per item)	4.00
Datafax high dollar items—Front only (per item)	1.50
Datafax high dollar items—Both sides (per item)	2.00
Counter item filming (per item)	.025
Counter item sorting (per item)	.01
Notices or advertising inserts (per insert)	.01
Microfilm monthly history (per 100,000 items)	5.00
Now Transaction history—additional copies (per fiche card)	1.00
Held paid item filming (per item)	.03

DISTRICT 3.—FEDERAL HOME LOAN BANK OF  
PITTSBURGH

(For members located in the Third and Fourth Federal Reserve Districts)

Services	Fee
Processing:	
First 50,000 items/month (per item)	\$0.0380
50,001–100,000 items/month (per item)	.0362
100,001–150,000 items/month (per item)	.0344
150,001–200,000 items/month (per item)	.0326
Over 200,000 items/month (per item)	.0308
Retail truncated checks (per item)	.039
Retail non-truncated checks (per item)	.049
Commercial truncated checks (per item)	.05
Commercial non-truncated checks (per item)	.06
Over-the-counter checks (per item)	.15
Return call (per item)	.75
Late return call (per item)	.66
Items over \$2,500 returned to FRB (per item)	4.25
Check copies (per copy)	3.00
Check retrieval (per item)	1.50
Statement and report postage	( <sup>1</sup> )
Statement envelopes:	
Small (per envelope)	.05
Large (per envelope)	.46
MICR sort option (monthly fixed fee per customer of thrift)	25.00
(per item)	.03
Mid-cycle statement rendering:	
Purged statement (per item—minimum charge of \$2.50)	.50
Non-purged statement (per statement)	2.50
Minimum charge (per month)	200.00

<sup>1</sup> Actual.

Note.—Transportation of checks or reports between Federal Home Loan Bank's designated distribution points and the individual Financial Institution is at the expense of the Financial Institution.

(For members located in the Fifth Federal Reserve District)

Items/ Month	Daily return unsorted	Daily return sorted	Truncation	Bulk filing without stuffing	Bulk with stuffing
First 10,000	\$0.0375	\$0.0500	\$0.0500	\$0.0575	\$0.0675
Next 20,000	.0325	.0450	.0450	.0525	.0625
Next 20,000	.0300	.0425	.0425	.0500	.0600
50,001 and over	.0225	.0350	.0350	.0425	.0725
Special services					Fee
Check retrieval or inspection of original item					\$1.50
Photocopy					2.50
Advertising insertion (per item)					.01
Posted—"On-us" (per item)					.03
Statement stuffing for truncated statements (per statement)					.01
Statement stuffing of deposit tickets and dishonored notices (per item)					.09
Return items processed by bank (per item)					2.50
Additional Sorting Upon Request:					
Fine sorting (per item)					.005
Cycle sorting (per item)					.005

DISTRICT 4.—FEDERAL HOME LOAN BANK OF  
ATLANTA

Services	Fee
Settlement only (per month)	\$75.00
Daily delivery (same day and next day):	
1st 50,000 (per item)	.03
Over 50,000 (per item)	.025
Bulk filing:	
1st 50,000 (per item)	.035
2nd 50,000 (per item)	.030
3rd 50,000 (per item)	.025
Over 150,000 (per item)	.020
Statement matching:	
1st 50,000 (per item)	.060
2nd 50,000 (per item)	.055
3rd 50,000 (per item)	.050
Over 150,000 (per item)	.045
Truncation:	
1st 50,000 (per item)	.025
2nd 50,000 (per item)	.020
3rd 50,000 (per item)	.015
Over 150,000 (per item)	.010
Return items	2.50
Caution/Alert (stop payment)	2.00
Facsimile—Large dollar (per item)	2.00
—On request (per item)	1.50
—Bookkeeping and account No. rejects (per item)	2.00
Over-the-counter items (per item)	.025
Photocopies (per item)	2.00
Finesort (check number)—Special accounts	.02

Notes:

The minimum monthly billing for service options (other than Settlement Only) is \$75.00.

Prices for all options include data transmission to on-line or in-house processors.

Actual item delivery expense will be charged to the institution as incurred, including postage under "Statement Matching" above.

Caution/Alert (stop payment) items that are ultimately returned will incur an additional charge of \$2.50 each.

Special services will be charged on an hourly basis.

DISTRICT 5.—FEDERAL HOME LOAN BANK  
CINCINNATI

(Service)

Items/ month	Daily return unsorted	Daily return sorted	Truncation	Bulk filing w/ stuffing	Bulk filing w/out stuffing
0–50,000	\$0.0350	\$0.0375	\$0.0375	\$0.0750	\$0.0400
50,001–100,000	.0200	.0225	.0225	.0600	.0250
100,001–150,000	.0100	.0125	.0125	.0500	.0150
150,001–over	.0055	.0080	.0080	.0455	.0105
Special services					Fee
Settlement only (per month—flat fee)					\$50.00
Check retrieval or inspection of original item (per item)					1.50
Photocopy (per copy)					1.00
Advising insertion (per item)					.01
Posted "on-us" (per item)					.03
Statement stuffing service for truncated statements (per statement)					.01
Statement stuffing of deposit tickets and dishonored notices (per item)					.09
Return items processed by bank (per item)					2.75
Additional sorting upon request:					
Fine sorting (per item)					.005
Cycle sorting (per item)					.005

DISTRICT 6.—FEDERAL HOME LOAN BANK OF  
INDIANAPOLIS

(Service)

Items per/month	Safe-keeping	Turn-around (daily or cyclical)	Complete
0 to 5,000	\$0.045	\$0.053	\$0.077
5,001 to 10,000	.037	.048	.075
10,001 to 15,000	.036	.044	.073
15,001 to 25,000	.031	.037	.072
25,001 to 50,000	.030	.033	.070
50,001 to 75,000	.026	.030	.066
75,001 to 100,000	.023	.027	.065
100,001 to 125,000	.021	.024	.064
125,001 to 150,000	.019	.022	.063
150,001 to 175,000	.017	.020	.062
175,001 and up	.014	.016	.059

Ancillary service	Fee
Settlement only (per month)	\$40.00
Minimum processing fee (per month)	40.00
Over-the-counter items (per item)	.035
No MICR/OTC	.50
Exception accounts	.50
Photocopies and facsimiles	2.00
Facsimile items for signature verification on day of presentment	( <sup>1</sup> )
Return items	2.50
Certified checks	1.00
Late returns	.50
Invalid returns	.50

<sup>1</sup> No charge.DISTRICT 7.—FEDERAL HOME LOAN BANK OF  
CHICAGO

(Service)

Items per/month	Daily re- turns	24-hour delay	Bulk file	Truncation
0 to 50,000	\$0.025	\$0.024	\$0.023	\$0.020
50,001 to 100,000	.024	.023	.022	.019
100,001 to 150,000	.023	.022	.021	.018
150,001 to 200,000	.022	.021	.020	.017
200,001 and over	.021	.020	.019	.016

NOTE.—10% discount per item when monthly volumes exceed 500,000 items.

Ancillary service	Fee
Counter items (per item)	\$0.025
Return items (per item)	4.00
State preparation (per item)	.025
Photocopies (per item)	3.00
Facsimile of items (per page)	2.00
Cash letter facsimile (per page)	2.00
Special sorts (per item)	.015
Monthly recap (per item)	.0025
Data transmission (per item)	.0030
NOW settlement only (per month)	100.00
Dail-A-Statement:	
Per month or	25.00
Per year or	250.00
Per statement	1.00

<sup>1</sup> Settlement service included in item processing fee.DISTRICT 8.—FEDERAL HOME LOAN BANK OF  
DES MOINES

(Services)

Item processing volume level	Basic fee (truncated)	Daily cycle	Monthly	Monthly/film
1 to 10,000	\$0.021	\$0.016	\$0.021	\$0.026
10,001 to 25,000	.019	.014	.019	.024
25,001 to 50,000	.017	.012	.017	.022
50,001 to 75,000	.015	.010	.015	.020
75,001 to 175,000	.0125	.0075	.0125	.0180
175,001 to 400,000	.012	.006	.010	.015



DISTRICT 8.—FEDERAL HOME LOAN BANK OF  
DES MOINES—Continued

## [Services]

Item processing volume level	Basic fee (truncated)	Daily cycle <sup>1</sup>	Monthly <sup>1</sup>	Monthly/film <sup>1</sup>
Bulk pricing 400,001 and over	.01	.006	.010	.015

<sup>1</sup> Fees for daily/cycle return, monthly return or monthly return with microfilm are in addition to the basic (truncated) fee.

## OTHER SERVICES

Service	Fee
Tape and transmission preparation	\$0.0002
Key punch (rejects)	.04
Photocopies	2.75
Signatures verified	2.70
Counter items with microfilm	.04
Facsimile transmission	1.00
Microfiche—monthly reports	1.50
Microfiche—copies	.18
Return items	2.50
Stop payments	2.00
Original item return	2.75
Certified checks	.50
Counter items without MICR encoding	.10
Facsimile transmission of daily cash letter	1.00
NOW Transaction inquiry	1.00
Telephone advice on missing account No.	.50
Microfilm copies for audit	10.00
Telephone check inquiry	1.00

<sup>1</sup> Dollar amount variable by association.

NOTE.—Minimum processing fee of \$40.00 per month will apply for total NOW services.

Statement per month—nontruncated	Fee
First 5,000	\$0.18
Next 5,000	.165
Over 10,000	.15
Statement per month—truncated	.05
Statement inserts	.005
Surcharge for one cycle per month (percent)	10
Fine sort counter items for statement insertion	.005
Sort counter items without MICR	.02

NOTE.—Associations that have changed Data Processors and have more than one MICR account number corresponding to one statement account number are subject to additional fees.

DISTRICT 9.—FEDERAL HOME LOAN BANK OF  
DALLAS

## [Service]

Basic service—items/month	Cycle-daily <sup>1</sup>	Truncated
Tier 1: 0 to 50,000	\$0.036	\$0.030
Tier 2: 50,001 to 100,000	.030	.025
Tier 3: 100,001 to 150,000	.025	.020
Tier 4: 150,001 to 200,000	.020	.015
Tier 5: 200,001 and over	.014	.010
Special services (per item)	Fee	
Counter item integration	\$0.036	
Return items	2.00	
Stop payment file	2.00	
Photocopies or original check retrieval	1.50	
Postage	(*)	

<sup>1</sup> An additional \$.006 for month end.

<sup>2</sup> An additional \$.50 will be added to reflect Federal Reserve Bank Charges for checks processed through FRB Dallas, Houston, San Antonio and El Paso.

<sup>3</sup> Actual cost.

DISTRICT 10.—FEDERAL HOME LOAN BANK OF  
TOPEKA

## [Processing fees]

Return items per month	Fee per item
1 to 50	\$2.50
50 to 2500	1.00
2500 to 5000	.75
Over 5000	.50

Items per month	Truncated <sup>1</sup>	Cycled <sup>2</sup>
1 to 10,000 (per item)	\$0.020	\$0.035
10,001 to 25,000 (per item)	.018	.034
25,001 to 50,000 (per item)	.016	.032
50,001 to 100,000 (per item)	.014	.029
100,001 to 200,000 (per item)	.012	.025
200,001 to 250,000 (per item)	.011	.022
250,001 to 300,000 (per item)	.011	.022
300,001 to 500,000 (per item)	.010	.021
Over 500,000 (per item)	.009	.020

## [Other services]

	Fee
Settlement—(w/HLB processing)	(*)
Settlement only (per month)	\$50.00
Item retrieval (Photocopy—per item)	2.00
Over-the-counter items (Microfilmed and filed—per item)	.03
Facsimile transmissions (Listing of paid items—per transmission)	1.50

<sup>1</sup> Deposit Tickets provided by FHLB at no additional charge.

<sup>2</sup> No Reserve Requirement.

<sup>3</sup> No charge.

DISTRICT 11.—FEDERAL HOME LOAN BANK OF  
SAN FRANCISCO

Service	Volume price based on total items per month			
	0 to 49,999	50,000 to 500,000	500,001 to 750,000	750,000 plus
Basic capture service (min. charge \$500/mo.):				
Capture/file/sort/microfilm	\$0.042	\$0.037	\$0.032	\$0.024
Return item processing	2.00	1.75	1.50	1.25
Comprehensive NOW Service (min. charge \$750/mo.):				
Capture/file/microfilm/fine sort	.042	.037	.032	.024
Statement preparation (truncated)	.15	.14	.13	.12
Statement preparation (standard)	.35	.30	.28	.26
Return item processing	2.00	1.75	1.50	1.25
Over-the-counter items	.045	.045	.045	.045
Statement inserts	.03	.03	.03	.03

Miscellaneous services	Fee
Late return item transmission after 2:00 p.m. (per item)	\$0.25
Second request on previously reconciled adjustment (per occurrence)	10.00
Truncated item retrieval (per item)	3.00
Generic envelopes (each)	.025
Reconciliation of member books—special research (per hour)	25.00
Microfilm:	
Second copy of film daily (per month)	75.00
Special request copy (per copy)	5.00
Same day microfiche:	
2 copies with hardcopy processed item listing and exceeded dollar report (per month)	75.00
Hardcopy exceeded dollar report only (per month)	65.00
Additional microfiche (per copy)	1.00
Special fine sort (per item)	.04
Photocopies (per copy)	2.50
Non-standard statement inserts (per insert)	.05
MICR line alterations (per item)	4.00
Supplementary service fees: Thirty day advance notice is required on all branch sales, branch mergers, branch acquisitions or service bureau changes	
Custom programming:	
1. Breakout of items by routing transit number and/or branch number (incl. listing)	2,000.00
2. Breakout and capture of items (processed items list/microfilm/commingled with other items for service bureau)	3,000.00
3. Breakout, capture, and separate tape produced, including above items	4,500.00
4. Selective account programming (maximum 50 accounts) in addition to regular programming requirements	1,500.00
5. One-half of the original programming fee will be assessed in the event of a cancellation notice given less than 7 days in advance of effective date	
Statement handling:	
Set-up fee/branch outsort of items	250.00
Standard statement rendition (close-out statements) (each)	.50
Non-standard statement rendition:	
First 90 days (each)	.75
After 90 days (each)	1.00

DISTRICT 12.—FEDERAL HOME LOAN BANK OF  
SEATTLE

Service item	Fee
Monthly volume of less than 50,000 items:	
Daily return of items to member (per item)	\$0.025
Truncation of all items by bank (per item)	.0325
Bulk file of items, returned to member (per item)	.0375
Truncated account statement handling (per statement)	.06
Bulk file of items with statement handling (per item)	.065
Volume credits per item:	
50,001 to 100,000 items per month (per item)	.005
100,001 to 200,000 items per month (per item)	.005
200,001 to 300,000 items per month (per item)	.005
300,001 to 400,000 items per month (per item)	.0025
400,001 or more items per month (per item)	.0025
Other fees:	
Large dollar amount and other special verifications (each)	.75
Return (overdraft, etc.) item handling (each)	1.00
Photocopy requests (each)	1.00
Research requests (each)	1.00
Special fine sorts (per item)	.01
Federal Reserve settlement only (per month)	125.00
Burst or fold only for statements (per statement) (Minimum of \$30.00 per month)	.005
Additional services:	
Programming/account set-up/tape handling/reject re-entry/facsimile transmissions	(*)
Other services:	
Contemporaneous reserve service (per month)	25.00
NOW account settlement service (per month)	125.00
ACH settlement service (per entry)	.25
Federal Reserve settlement services (per entry)	.25



## DISTRICT 12.—FEDERAL HOME LOAN BANK OF SEATTLE—Continued

Service item	Fee
Travelers cheques.....	( <sup>2</sup> )

Note: All out-of-pocket expenses (shipping or registration fees, postage, etc.) are handled on a cost, pass-thru basis.

<sup>1</sup> No charge.

<sup>2</sup> For per item fees currently in effect, please call the Federal Home Loan Bank of Seattle's Marketing Department.

## Schedule B: Demand Deposit Services

## DISTRICT 1.—FEDERAL HOME LOAN BANK OF BOSTON

Services	Fee
Checks and items paid (per item).....	\$0.12
Deposits (per item).....	.20
Debit/credit memos:	
Federal reserve settlement (per item) <sup>1</sup> .....	.30
Internal transfer.....	( <sup>2</sup> )
Others (per item).....	.10
Wire transfer:	
In (per item).....	2.50
Out (per item).....	5.00
Account maintenance (per month).....	5.00
Special statements (per statement).....	2.00
Stop payment orders (per item).....	7.50
Account reconciliation:	
Paper issues (per item).....	.05
Magnetic tape issues (per item).....	.035

<sup>1</sup> Federal Reserve Settlements include ACH, Series E-Bond Redemption, Cash Letter Settlements (Inclearings and Outclearings), Regulation D Reserve Pass-Throughs, Treasury Tax and Loan Settlements.

<sup>2</sup> No Charge.

## DISTRICT 2.—FEDERAL HOME LOAN BANK OF NEW YORK

Service	Fee
Teller checks and money orders:	
First 10,000 items/month (per item).....	\$0.22
10,001 plus items/month (per item).....	.17
Wire Transfers:	
In (per wire).....	( <sup>1</sup> )
Out (per wire).....	7.00
Depository transfer checks (per check).....	2.00
Collections:	
Bond redemption and recurring payments (per transaction).....	4.00
Safekeeping:	
Maintenance:	
(Less than 25 securities) (per month).....	33.00
(More than 25 securities) (per month).....	75.00
Per item charge:	
(Physical securities) (per month).....	5.00
(Book entries) (per month).....	2.50
Purchases and sales (per transaction).....	30.00
Maturities (per transaction).....	10.00
Coupons (per transaction).....	4.00

## [Deposit processing]

Per item fees	Un- en- coded	En- coded
Basic service fees:		
First 100,000 items/month.....	\$0.070	\$0.050
100,001 to 300,000 items/month.....	.065	.045
300,001 plus items/month.....	.060	.040
Special service fees:		
Saturday premium (per item).....	0.01	
Cash letter deposit (per deposit).....	.50	
Return items (per return).....	1.25	
Non cash collection (per item).....	3.50	
Security coupon collection (per envelope).....	3.50	
Photocopies (per copy).....	5.00	

<sup>1</sup> No charge.

## DISTRICT 3.—FEDERAL HOME LOAN BANK OF PITTSBURGH

Service	Fee
Deposit processing service:	
Deposit ticket entry (per entry).....	\$0.25
Deposit transfer voucher (per entry).....	1.00
Mail deposit ticket entry (per entry).....	2.00
Deposit item processing (per item).....	.035
Deposit item encoding (per item).....	.03
Deposit item return (per item).....	1.50
Deposit item photocopy (per item).....	2.00
Deposit pickup (per pickup).....	6.75
Check and money order clearing service:	
Clearing item processing (per item).....	.0987
Clearing item reconciliation copy processing:	
By manual input (per item).....	.05
By magnetic tape input (per item).....	.0125
Clearing item fine sorting for return with bank statements (per item).....	.05
Stop payment orders (per entry).....	8.00
Imprinting checks and money orders.....	( <sup>1</sup> )
Standard earnings checks (per item).....	.05
Wire transfer of funds:	
Outgoing wires:	
Receiving bank on-line (Federal Reserve) (per transfer).....	5.75
Receiving bank off-line (Federal Reserve) (per transfer).....	8.75
Incoming wires (per transfer).....	3.25
ACH debit/credit (per item).....	.02
Lockbox service:	
Lockbox item processing (per item).....	.11
Deposit item processing (per item).....	.035
Deposit ticket entry (per entry).....	.25
Transportation (per month) (per institution).....	20.00
Account Maintenance (per acct./month).....	7.25
Account Overdraft Penalty.....	( <sup>2</sup> )
Collection service:	
Foreign items:	
West (per item, plus drawee bank charges).....	10.00
East (per item, plus drawee bank charges).....	5.00
Bonds (East only) (per bond).....	10.25
Bond coupons:	
West (per envelope).....	3.25
East (per envelope).....	3.25
Eastern Coin and Currency Service	
Requisition:	
Currency (per strap).....	.23
Coin:	
Per bag.....	.70
Per box.....	1.85
Deposit:	
Currency/food coupons (per \$1,000 or part thereof).....	.25
Coin (per bag).....	1.00
Transportation:	
Zone 1 (per stop).....	17.20
Zone 2 (per stop).....	24.10
Western Coin and Currency Service	
Requisition:	
Currency (per \$1,000 or part thereof).....	.21
Coin (per box).....	1.50
Deposit (per \$1,000 or part thereof):	
Currency.....	.70
Coin:	
Unsorted.....	7.50
Sorted.....	1.25
Food coupons:	
Unsorted.....	3.00
Sorted.....	1.75
Transportation:	
Western Pennsylvania (per stop).....	10.85
West Virginia.....	
Zone 1 (per stop).....	27.80
Zone 2 (per stop).....	33.20
Safekeeping and Investment Service	
Trade executed (per transaction).....	8.00
Receipt of security:	
Physical form (per transaction).....	12.00
DTC (per transaction).....	9.00
Book entry (per transaction).....	7.00
Delivery of security:	
Physical form (per transaction).....	12.00
DTC (per transaction).....	9.00
Book entry (per transaction).....	7.00
Redemption at maturity:	
Physical form (per transaction).....	12.00
DTC (per transaction).....	9.00
Book entry (per transaction).....	7.00

## DISTRICT 3.—FEDERAL HOME LOAN BANK OF PITTSBURGH—Continued

Service	Fee
Income collection:	
Physical form (per collection, per issue).....	4.00
DTC (per collection, per issue).....	3.00
Book entry (per collection, per issue).....	2.00
Safekeeping account maintenance (per month).....	8.00
Switch account/pledge:	
Physical Form (per transaction).....	10.00
Book Entry (per transaction).....	6.00
Retail-repo custodial Service (per month).....	30.00

<sup>1</sup> Actual cost.

<sup>2</sup> Greater of \$75 or interest for one day on the amount of the overdraft at the highest advance rate plus 3%.

## DISTRICT 4.—FEDERAL HOME LOAN BANK OF ATLANTA

Service	Fee
Checks paid <sup>1</sup> (per item):	
Monthly statement w/items fine sorted.....	\$0.12
Monthly statement w/items truncated.....	.08
Photocopies (Non-Truncated accounts only) (per item).....	2.00
Stop payment (per item).....	6.00
Deposit Transfer Checks (DTC) (per item).....	4.00
Wire Transfers:	
In (per item).....	<sup>2</sup> 3.00
Out (per item).....	<sup>2</sup> 4.00
Phone advice (per item).....	2.50
Account Reconciliation Service:	
Full reconciliation—magnetic tape (\$20.00 min./mo.) (per issue).....	.03
Full reconciliation—paper issue (\$20.00 min./mo.):	
—Encoded amounts (per issue).....	.0425
—Unencoded amounts (per issue).....	.06
Partial reconciliation (\$10.00 min./mo.) (per item).....	.03
Deposit Processing:	
Unencoded checks (per item).....	<sup>2</sup> .0525
Encoded checks (per item).....	<sup>2</sup> .0350
Foreign checks (per item).....	2.50
Bond coupons (per envelope).....	3.00
Deposited checks returned (per entry).....	2.50
Automated Clearinghouse (ACH) Service:	
Originating—\$15.00 per tape plus (per item).....	<sup>2</sup> .05
Receiving—\$75.00 settlement per month plus (per item).....	<sup>2</sup> .03
Settlement Only Service:	
Automated Clearinghouse (ACH) (per month).....	75.00
Currency and Coin (per month).....	75.00
Treasury:	
Currency and Coin Service (Full): \$75.00 settlement/month plus (per order).....	<sup>2</sup> 2.50

<sup>1</sup> The Checks paid charge includes at no additional charge: monthly account maintenance, internal transfers, special statement drops, and return of items not paid.

<sup>2</sup> Federal Reserve charges are reflected in these prices. Any changes in Federal Reserve prices may result in adjustments to these prices.

Notes:

Overdrafts incur a penalty calculated at 4% over the current short-term variable advance rate, with a minimum charge of \$50.00 per occurrence.

Check printing costs are charged directly to the institution, with no additional fee.

Special services will be charged on an hourly basis. Magnetic tapes sent to members and not returned to the Bank within 90 days will be billed at \$12.00 per tape.

## DISTRICT 5.—FEDERAL HOME LOAN BANK OF CINCINNATI

Services	Per item charge
Reconciled paid items.....	\$0.070
Magnetic tape reconciliation.....	.045
Advice reconciliation.....	.045
Fine sorting.....	.005
Check and money order safekeeping.....	( <sup>2</sup> )
Stop payments.....	5.00
Wire transfer—In.....	2.00
Wire transfer in—Telephone confirmation.....	3.00
Wire transfer—Out.....	5.00
Charges.....	.11
Credits.....	.11
Photocopies.....	1.00



## DISTRICT 5.—FEDERAL HOME LOAN BANK OF CINCINNATI—Continued

Services	Per item charge
Settlement agent with Federal Reserve:	
ACH.....	1 50.00
Treasury tax and loan.....	1 25.00
Bond redemption.....	1 25.00
Currency and coin.....	1 25.00
Check deposits.....	1 75.00
Contemporaneous reserves.....	1 50.00

1 Active month.

2 No charge.

Proof of deposit service	Fee	
	En-coded	Un-en-coded
Items per month:		
0 to 25,000.....	\$0.0475	\$0.0575
25,001 to 50,000.....	.0450	.0550
50,001 to 75,000.....	.0425	.0525
75,001 to 100,000.....	.0400	.0500
100,001 to 150,000.....	.0375	.0475
150,001 and Over.....	.0350	.0450

NOTE.—IFTS Interest: Members' daily collected funds in excess of their compensating balance automatically earn IFTS interest.

Service, Cincinnati operations center	Fee	
	En-coded	Un-en-coded
Cincinnati City.....	\$0.015	\$0.025
Cincinnati RCPC (Special).....	.015	.025
U.S. Treasury.....	.015	.025
Cincinnati RCPC.....	.035	.045
Columbus City/RCPC.....	.035	.045
Louisville City/RCPC.....	.035	.045
Other FRB (1-Day).....	.070	.080
Other FRB (2-Day).....	.080	.090

	Discount (percent)	Volume range
Volume discounts on all items when total deposited items fall within below listed categories.	7.5	100,001-200,000
	15.0	200,001 +

Additional services	Per item charge
Dishonored items:	
Returned to association.....	\$1.00
Automatically redeposited.....	(1)
Non-cash collection service—Minimum:	
Non-cash item.....	3.50
Security coupon collection (per envelope).....	3.50
Coupon return item.....	5.00
Foreign item.....	2.50
U.S. Treasury and Gov't agency coupons.....	(2)
Depository transfer checks (DTC).....	3.00
Cash letter fee (per letter) (\$25 when depositing 100,000 plus items per month).....	50

1 Check deposit per item fee.

2 No charge.

## CURRENCY AND COIN SERVICE

Preparation charge	Fee
Members in Kentucky and Ohio	
Currency (per order).....	\$7.00
Wrapped coin (per box).....	1.50
Pick-up of coin and currency:	
Strapped currency (per strapped deposit).....	5.00
Currency (per mixed or unfilled straps).....	6.00
Coin (same denomination) (per bag).....	2.00
Coin (mixed denomination) (per bag).....	4.00
Transportation charge 1	
Members in Nashville Federal Reserve	
Currency and/or loose coin (per order).....	2.00
Wrapped coin (per roll).....	.0355
Pick-up Currency and Coin (per occurrence).....	1.00

## CURRENCY AND COIN SERVICE—Continued

Preparation charge	Fee
Transportation charge 1	
Members in Memphis Federal Reserve	
Currency and/or loose coin (per order).....	2.00
Pick-up currency and coin (per occurrence).....	1.00
Transportation charge 1	

1 Please contact the Bank for the specific fee relative to your area.

Settlement day option	Per item charge	Earnings incentive (days) 1
Alternative Disbursement Service		
Money orders:		
1—day.....	\$0.01	1.5
2—day.....	.03	0
3—day.....	.05	0
Tuesday weekly.....	.09	0
Official checks:		
1—day.....	.01	2.5
2—day.....	.03	.75
Special transfer account—If checks are needed to transfer member's balances to other demand accounts or, to satisfy internal book-keeping requirements, the following alternative disbursement option is provided:		
2—day.....	.10	0
Members can pay the above service fees explicitly or implicitly through a compensating balance.		

1 The earnings incentive is applied to the association's average daily remittance for the month at the Bank's earnings incentive rate (average 91-day Treasury Bill rate plus 10 basis points).

## DISTRICT 6.—FEDERAL HOME LOAN BANK OF INDIANAPOLIS

	Paid check charge	Advices	
		Paper	Tape
Quarterly transaction volume:			
First 3,750.....	\$0.13	\$0.05	\$0.025
Next 9,000.....	.11	.04	.02
Next 12,250.....	.09	.04	.02
Next 25,000.....	.08	.03	.015
All over 50,000.....	.07	.02	.01
Stop payments—\$2.00			

Other services	Detroit	Indianapolis
Transit item Deposit Program:		
Pre-encoded—		
City items.....	\$0.018	\$0.02
RCPC items.....	.018	.02
Other district items.....	.05	.05
Encoding error.....	.30	.30
Manual items.....	.05	.05
Unencoded —		
City items.....	.065	.06
RCPC items.....	.065	.06
O.D. items.....	.065	.06
Return items.....	.75	.75

	Fee
Demand deposit services transaction charges:	
Lockbox services	
Per deposit item received.....	\$0.15
Truncation of coupons.....	.02
Coin and Currency Program—	
Metropolitan areas of Indianapolis & Detroit—per delivery by armored truck service.....	\$25.00
Outside metropolitan areas fees vary depending upon the distances involved	
Wire transfer services:	
In (per transfer).....	2.00
Out (per transfer).....	4.00
Depository	

## DISTRICT 7.—FEDERAL HOME LOAN BANK OF CHICAGO

[Services]	Fee	
	Nontruncated accounts	Truncated accounts
Monthly volume		
A. Demand accounts:		
0 to 7,500.....	\$0.110	\$0.090
7,501 to 10,000.....	.100	.080
10,001 to 12,500.....	.090	.070
12,501 to 15,000.....	.080	.060
15,001 to 25,000.....	.075	.055
25,001 and over.....	.070	.050
Alternative demand disbursement service:		
800 Series—Next day remittance.....	(1)	
900 Series—Three day remittance (per item issued).....		.050
Ancillary services fees:		
Fine sorting (per item).....		.015
Recons:		
—Non-encoded items (per item).....		.055
—Encoded items (per item).....		.020
—Magnetic tape items (per item).....		.020
Stop payments (per stop placed).....		7.00
Photocopies (per item).....		3.00
Account maintenance (per account per month).....		10.00
Additional statements (per statement).....		5.00
Checks supplied by bank.....		(2)
Request for money order forms.....		(2)
Postage/courier.....		(2)
ACH services.....		(2)
Dial-A-Statement:		
Per month.....	25.00	
Per year.....	250.00	
Per statement.....	1.00	
B. Deposit processing:		
Checks deposit drawn on:		
Federal Home Loan Bank of Chicago FHLB intercept customers		
0-10,000.....		0.015
10,001-25,000.....		0.015
25,001 and over.....		0.015
City of Chicago financial institutions postal money orders, U.S. Treasury checks		
0-10,000.....		.032
10,001-25,000.....		.030
25,001 and over.....		.028
Chicago RCPC financial institutions (routing numbers 0711, 0712, 0719, 2711, 2712, 2719)		
0-10,000.....		.053
10,001-25,000.....		.051
25,001 and over.....		.049
Transit items—other Federal Reserve Office financial institutions		
0-10,000.....		.084
10,001-25,000.....		.082
25,001 and over.....		.080
Ancillary service fees:		
Check encoding (per item).....		.035
Return items:		
Re-deposits.....		(1)
Charge backs (per item).....		1.00
Food stamps (per item).....		.02
Noncash collection items (coupons and foreign items).....		2.50



**DISTRICT 7.—FEDERAL HOME LOAN BANK OF CHICAGO—Continued**

[Services]		Fee	
Monthly volume	Non-truncated accounts	Truncated accounts	
Coin and currency orders (per order/ per branch).....	2.00		
Visa/Mastercard deposits.....	2.00		
C. Money transfers:			
Wire Transfers:			
In.....	2.00		
With telephone advice.....	4.00		
Out.....	4.00		
With telephone advice.....	6.00		
Quick drafts.....	2.00		
Safekeeping:			
Receipt or delivery:			
Book entry item.....	15.00		
Physical item.....	25.00		
Coupon collection.....	5.00		
Collection at maturity.....	( <sup>1</sup> )		
Annual maintenance (billed quarterly):			
Par amount under \$5 million.....	100.00		
Par amount \$5 million or over (per million).....	25.00		
Monthly reports.....	( <sup>1</sup> )		
Registration fees.....	( <sup>2</sup> )		
Transfer to or from pledge status.....	60.00		

<sup>1</sup> No charge.<sup>2</sup> Actual cost.
**DISTRICT 8.—FEDERAL HOME LOAN BANK OF DES MOINES**

Services	Fee
Account maintenance.....	\$5.00
Account reconciliation.....	5.00
Check printing costs.....	( <sup>1</sup> )
Drafts paid:	
Truncated.....	.04
Non-truncated.....	.05
Stop payments.....	5.00
Ledger credits.....	.20
Ledger debits.....	.10
Bankwires in:	
Without phone advice.....	2.50
With phone advice.....	3.50
Bankwires out:	
Without phone advice.....	4.00
With phone advice.....	6.00
Special cut-off statements.....	3.00
Account reconciliation tape issues.....	.02
Issue encoding.....	.04
Safekeeping transactions.....	10.00
Retail repurchase transactions (per page), plus \$25.00 main. fee.....	.25
Food stamps deposited:	
Des Moines, Kansas City, St. Louis.....	.02
Minneapolis only.....	.04
Coupons deposited (per envelope).....	2.50
Microfilm processing.....	4.00
Microfilm duplication.....	5.00
ACH transaction.....	( <sup>1</sup> )
Miscellaneous charges/special processing.....	( <sup>1</sup> )
Controlled disbursement drafts.....	.055
Pre-encoded issues.....	.03
Proof of deposit fee schedule:	
Entry fee for all items.....	.003
Re-enter rejects.....	.04
Encoding fee.....	.0225
Data transmission (per transmission).....	1.50
Fine sort "on-us" items.....	.005
Printed reports—	
Standard (per report).....	1.00
Plus (per page).....	.05
Optional.....	( <sup>2</sup> )
Plus (per page).....	.05
Minimum monthly billing.....	40.00
Facsimile transaction (per transmission).....	1.00
Account transaction info. (per call).....	1.00

**DISTRICT 8.—FEDERAL HOME LOAN BANK OF DES MOINES—Continued**

Services	Fee
Deposited Item Charges	
Minneapolis:	
Local.....	.020
Regional.....	.035
Regional—premium.....	.045
Country.....	.039
Out of State.....	.075
Des Moines:	
Local.....	.025
Regional.....	.035
Regional—premium.....	.04
Country.....	.035
Out of State.....	.0525
St. Louis:	
Local.....	.025
Regional.....	.030
Regional—premium.....	.035
Country.....	.0325
Out of State.....	.065
Kansas City:	
Local.....	.0225
Regional.....	.035
Regional—premium.....	.0375
Country.....	.0375
Out of State.....	.060

<sup>1</sup> Actual.<sup>2</sup> At quote.

Deposit processing fees/item	En-coded	Unen-coded
a. Des Moines Center:		
Local.....	\$0.025	\$0.0475
Regional.....	.035	.0575
Regional—premium.....	.040	.0625
Transit.....	.0525	.075
b. Minneapolis Center:		
Local.....	.020	.0425
Regional.....	.035	.0575
Regional—premium.....	.045	.0675
Country.....	.039	.0615
Transit.....	.075	.0975
c. Kansas City Center:		
Local.....	.0225	.0450
Country.....	.0375	.060
Transit.....	.060	.0825
d. St. Louis Center:		
Local.....	.025	.0475
Regional.....	.030	.0525
Regional—premium.....	.035	.0575
Country.....	.0325	.055
Transit.....	.0650	.0875

Services	Fee
Other fees at the four fee regional processing centers:	
Return items.....	\$0.60
Food coupons.....	.02
(At Minneapolis only).....	.04
Bond Coupons (per envelope).....	2.50
Currency/coin orders.....	2.00
Other currency/coin fees.....	( <sup>1</sup> )
Additional services (St. Louis Center):	
Package Sort I (Pre-encoded items representing 100% of association's daily work):	
Local.....	.0175
Regional.....	.023
Country.....	.029
Transit.....	.065
Package Sort II (Pre-encoded items that do not represent 100% of association's daily work):	
Local.....	.022
Regional.....	.024
Country.....	.029
Transit.....	.065
Package Sort III (Deposits containing only pre-encoded transit items) (items not payable in the St. Louis Fed. zone):	
Pre-encoded transit items.....	.07

<sup>1</sup> Actual/negotiated.

NOTE—A 10% discount per item on processing fees only is given when monthly volume exceeds 200,000 items. (Volume discounts do not apply to any package sort plans).

Services	Fee
Lockbox service	
1. Basic Service.....	\$13
2. Transmit via user supplied equipment.....	.01
3. Transmit via FHLBank supplied equipment.....	.015
4. Data prep. for transmission.....	.04
5. Re-enter/Reprocess item.....	.08
6. Key punch or MICR encode from handwritten document.....	.05
7. Key punch or MICR encode from pre-printed document.....	.04
8. Photocopies.....	.20
9. Microfilm copies.....	2.75
10. Storage.....	N/A
11. Due on sale edit.....	.005
12. Write loan account number on check (per item).....	.02
13. Write check number, amount and/or loan number on envelope and return (per item).....	.05
14. Pull selected checks to be non-processed (per item).....	.001
15. Check postmark/sort by date.....	.001
16. Call L.B. totals posted (daily).....	1.00
17. Telephone verification of account number, etc. (per item).....	.50
18. Process additions to savings or checks accounts.....	.25
19. Process additions to principal, escrow, etc. (per item).....	.05
20. Sort and batch envelopes by type of return in sequence (per item).....	.001
21. Batch payments by type in processing (per item).....	.001
22. Process multiple payments (per item).....	.01
23. Process late fees/delinquents, when total amount due not shown (per item).....	.01
24. Process "certified funds required" (per item).....	.01
25. Screen envelope for attention line (per item).....	.001
26. Sort and package output (daily).....	1.00
27. Date stamp checks, coupons, etc. (per item).....	.005
28. Microfilm checks, coupons, etc. (per item).....	.01
29. Courier/postage.....	( <sup>1</sup> )
30. Post Office box rental.....	( <sup>1</sup> )
31. Local messenger service.....	( <sup>1</sup> )
32. Minimum monthly billing.....	40.00
33. Modified processing: open and screen performed by member.....	.08
34. Pull system rejects/hot file rejects (per item).....	.02
35. Update hot file (manual) (per addition).....	.50
36. Update hot file (data transmission)(per addition).....	.015
37. Process payments to hot file (per item).....	.004
Commercial Account Posting Service Fee	
Monthly service fee.....	\$250.00
Monthly account charge.....	.15
Posted item charge:	
1st 50,000.....	.023
Next 50,000.....	.022
Next 50,000.....	.021
Over 150,000.....	.019
Postage/Courier.....	( <sup>1</sup> )
File maintenance:	
Add new accounts.....	.50
General maintenance.....	.25
Debit/Credit entry.....	.15
Forms:	
Statements.....	.10
Account analysis.....	.15
NSF/Overdraft.....	.10
Facsimile transmission (per transmission).....	1.00
Change service charge routine (minimum—actual).....	50.00
Conversion charge (plus .10 per account).....	100.00
Account transaction inquiry.....	1.00
Additional copies of reports (per page).....	.05
Month-end paid list:	
Tape (plus \$.01 per item).....	15.00
Hardcopy (per item with \$20.00 minimum).....	.01
Automated Clearing House (ACH) Electronic Funds Transfer (EFT) Services	
ACH pass-through (receiving):	
1. Pick up ACH tape from local FRB and transmit/deliver to data processor: (per tape).....	1.00
(plus per item).....	.01
2. Process multiple tapes from FRB and transmit/deliver one consolidated tape to data processor: (per tape).....	1.00
(plus per item).....	.01



	Fee		Fee		Fee
3. Receive properly formatted ACH transmission from data processor and deliver to local FRB:		1. Receive ACH tape from local FRB or data processor and reformat for data transmission (i.e., change blocking function) (per tape additional charge):	1.50	Telephone advice (per day):	2.00
(per tape)	1.00			Messenger/delivery	( <sup>2</sup> )
(plus per item)	.01	ACH file creation:		Miscellaneous	( <sup>2</sup> )
4. Produce system output tape (without processing any input) (per tape):	1.00	1. Receive unformatted source data from financial institution or data processor, create ACH file and enter into Federal Reserve ACH system. (Includes data conversion; i.e., keypunching):	5.00	Visa/Mastercard Processing Service Fee	
ACH origination file:		(per tape)	.10	Monthly settlement (merchant program, cardholder program, or both)	55.00
1. Receive properly formatted ACH data entry tape from data processor for entry into Federal Reserve ACH system:	5.00	(plus per item)	.06	Sales drafts and cash advance tickets deposited	.01
(per tape)	.05	Surcharges for next-day settlement (credits and debits originated) (per item)	.0025	Adjustments, returns, corrections, income distributions (all entries)	.50
(plus per item)		Warehouse entries for future settlement (per item)			
Reformat ACH file for transmission:				<sup>1</sup> Actual.	
				<sup>2</sup> Actual/Negotiated.	
				Note.—Fees will be charged through the members' account analysis.	

## DISTRICT 9.—FEDERAL HOME LOAN BANK OF DALLAS

Service	Fee
Checks/Money Orders paid:	
Checks Returned (per item)	\$0.15
Checks Truncated (per item)	.13
Reconciliation of Check/Money Order:	
Magnetic tape (per item)	.02
MICR (per item)	.07
Fine Sort (per item)	.006
Deposits (per check)	.04
Credits/Adjustments (per item)	( <sup>1</sup> )
Wire Transfer:	
In	2.00
Out	4.00

<sup>1</sup>No change.

	Deposit processing fees			
	Dallas Processing Center—Texas (except Southeast), Northern Louisiana, New Mexico	New Orleans Processing Center—Southern Louisiana, Southern Mississippi	Little Rock Processing Center—Arkansas, Northern Mississippi	Houston Processing Center—Southern Texas
Deposit Items:				
Postal Money Orders, U.S. Treasury Checks (per item)	\$0.022	\$0.025	\$0.025	\$0.025
Processing Center City Items (per item)	.022	.025	.025	.025
Regional RCPC Items (per item)	.026	.025	.035	.040
Other Fed Items (per item)	.065	.060	.0625	.065
Encoding Charge (per item)	.025	.025	.020	.025
Returned Items (per item)	1.50	1.50	1.50	1.50
Non-Cash Collection Services:				
Security Coupons (per envelope)	2.75	2.50	2.50	2.50
Food Stamps and Coupons (per deposit)	1.50	1.50	1.50	1.50
Foreign Items (per item)	6.50	6.50	2.50	6.50
All Others (Drafts, Etc.) (per item)	2.75	2.50	1.50	2.50

Note.—Fees incurred in the process of collecting non-cash items will be passed through to the depositing institution. These charges will be added to the service fees shown above.

## DISTRICT 10.—FEDERAL HOME LOAN BANK OF TOPEKA

Service	Fee
Full service demand plus accounting (includes Automatic Branch control reconciliation, reporting of full account activity) (per item):	
Cycle	\$0.15
Truncated	.12
Basic demand plus accounting (standard summary statement, must be able to process magnetic tapes) (per item):	
Cycle	.11
Truncated	.08
Wire transfers:	
Incoming (per item)	2.00
Outgoing (per item)	4.00
Safekeeping charges:	
Book-entry security transactions (per transaction)	20.00
Physical transactions (per transaction)	30.00
Annual account maintenance fee (charged monthly (1/12): 1/100 of 1% of par balance of portfolio):	
Segregated account maintenance (per association—per month)	50.00
Joint custody service (per receipt)	20.00
Pledge or segregated service (per receipt pledged or released)	10.00
Pass-through reserves (per month)	25.00

## DEPOSIT PROCESSING

	Kansas City		Oklahoma City		Topeka		Omaha		Wichita	
	Encoded	Unencoded	Encoded	Unencoded	Encoded	Unencoded	Encoded	Unencoded	Encoded	Unencoded
Processing fees:										
Local	.0275	.05	.025	.038	.02	.033	.025	.038	.02	.04
RCPC and country	.0425	.065	.038	.051	.039	.052	.038	.051	.025	.045



## DEPOSIT PROCESSING—Continued

	Kansas City		Oklahoma City		Topeka		Omaha		Wichita	
	Encoded	Unencoded	Encoded	Unencoded	Encoded	Unencoded	Encoded	Unencoded	Encoded	Unencoded
Transit.....	.065	.0875	.067	.08	.067	.08	.067	.08	.075	.095

## OTHER SERVICES

Service	Fee
Returns (per item).....	\$0.80
Collections (per item).....	2.50
Coin and currency (per phone call).....	2.50
Courier and armored car costs.....	( <sup>1</sup> )

<sup>1</sup> As charged.

## DISTRICT 11.—FEDERAL HOME LOAN BANK OF SAN FRANCISCO

Service	Fee
Depository service charges (minimum charge—\$300 per month)	
Deposit processing:	
5:30 P.M. deposit deadline:	
Encoded items deposited:	
Mixed (per item).....	\$0.95
Group sort (per item).....	.13
Encoding fee (per item).....	.02
9:30 P.M. deposit deadline:	
Encoded items deposited (per item).....	0.05
Encoding fee (per item).....	0.015
10:30 P.M. deposit deadline:	
Encoded items deposited (per item).....	0.05
Encoding fee (per item).....	0.02
Other charges:	
Deposit ticket (per ticket).....	1.00
Commercial deposits (per ticket).....	1.00
Returned items (per item).....	1.00
End-point deposit analyses reports (per month).....	25.00
Monthly account maintenance (per account).....	10.00
Collection services:	
Clean collection (per item).....	4.00
Documentary collection (per item).....	10.00
Savings bonds (per transmittal).....	6.50
Coupon collection (per envelope).....	6.50
Foreign drafts (per item).....	7.50
Food coupons (per item).....	.05
Coin and currency:	
Currency ordered/deposited (per \$1,000).....	0.75
Coin ordered/deposited (per roll).....	0.06
Coin/currency deposited (per deposit).....	1.25
Coin/currency ordered (per order).....	3.00
Coordination of transportation (per branch/per month).....	10.00
Basic account services:	
Monthly account maintenance:	
Regular accounts (per account).....	10.00
Zero balance accounts (per account).....	25.00
Checks paid (per item).....	0.09
Checks deposited (per item).....	0.25
Items returned (per item).....	1.00
Stop payments (per item).....	6.00
Daily.....	

## DISTRICT 12.—FEDERAL HOME LOAN BANK OF SEATTLE

Service	Fee
Account maintenance (per month) (per account).....	\$4.00
Wire transfers out (per wire).....	3.00
Wire transfers in (per wire).....	2.00
Pre-authorized deposit transfers (drafts).....	1.50
Stop payments (per stop).....	3.50
Credit or debit received via ACH or mail (per entry).....	.25
Unreconciled item posting (per item).....	.0775
Reconciled item posting with mag tape input (per item).....	.065
Reconciled item posting with paper input (per item).....	.105
Substandard MICR item manual posting (per item).....	.25
Audit request item research (per item).....	.25

## DISTRICT 12.—FEDERAL HOME LOAN BANK OF SEATTLE—Continued

Service	Fee
Mag tape output for outside reconciliation (per tape).....	25.00
Additional services:	
Account transfers.....	(1)
Signature and/or endorsement verifications.....	(1)
Individual photocopy or research requests.....	(1)
Member Securities Services	
Account maintenance:	
Safekeeping account (per month).....	10.00
Collateral account (per month).....	20.00
Custody—book entry (per security) (per month).....	.75
Custody—definitive (per security) (per month).....	1.75
Receipt/delivery/redemption—book entry (per transaction).....	10.50
Receipt/delivery/redemption—definitive (per transaction).....	20.00
Account switch—book entry (per transaction).....	10.50
Account switch—definitive (per transaction).....	20.00
Audit verification (per inquiry).....	8.00
Income collection (per transaction).....	4.00
Eurodollar transactions (per transaction).....	25.00
Custody—stripped coupons (per \$1,000/month).....	.02

<sup>1</sup> No charge.

By the Federal Home Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 86-20729 Filed 9-15-86; 8:45 am]

BILLING CODE 6720-01-M

## FEDERAL RESERVE SYSTEM

## Bank of Scotland; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the

proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 6, 1986.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. Bank of Scotland, Edinburgh, Scotland; to acquire IFA, Incorporated, Palatine, Illinois, and thereby engage in leasing personal property of a commercial nature pursuant to § 225.25(b)(5).

Board of Governors of the Federal Reserve System, September 10, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-20849 Filed 9-15-86; 8:45 am]

BILLING CODE 6210-01-M

## Potomac Bancorp, Inc.; Application to Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage de novo, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise



noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 6, 1986.

**A. Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Potomac Bancorp, Inc.*, Keyser, West Virginia; to engage *de novo* in making loans in the capacity of an agent for a correspondent bank and servicing such loans pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, September 10, 1986.

William W. Wiles,  
Secretary of the Board.

[FR Doc. 86-20851 Filed 9-15-86; 8:45 am]

BILLING CODE 6210-01-M

#### UnitedCorp et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than October 8, 1986.

**A. Federal Reserve Bank of Boston** (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *UnitedCorp*, Bangor, Maine; to become a bank holding company by acquiring 80 percent of the voting shares of United Bank, Bangor, Maine. Comments on this application must be received by October 6, 1986.

**B. Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 Sixth Street, Cleveland, Ohio 44101:

1. *First-Knox Banc Corp.*, Mount Vernon, Ohio; to acquire 100 percent of the voting shares of The Farmers and Savings Bank, Loudonville, Ohio.

**C. Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Community Group, Inc.*, Jasper, Tennessee; to acquire 100 percent of the voting shares of The First State Bank, Jacksboro, Tennessee.

2. *Southeast Banking Corporation*, Miami, Florida; to acquire 100 percent of the voting shares of The First National Bank of Palm Beach, Incorporated, Palm Beach, Florida.

**D. Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Ambanc Financial Services, Inc.*, Beaver Dam, Wisconsin; to acquire 100 percent of the voting shares of Bank of Helenville, Helenville, Wisconsin.

2. *First Petersburg, Bancshares, Inc.*, Petersburg, Illinois; to become a bank holding company by acquiring The First National Bank of Petersburg, Petersburg, Illinois.

**E. Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *TCM Company*, Crete, Nebraska; to become a bank holding company by acquiring 100 percent of the voting shares of City Bank and Trust, Co., Crete, Nebraska.

**F. Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *CNB Bancshares, Inc.*, Whitehouse, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of City National Bank, Whitehouse, Texas.

**G. Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *First Community Shares, Inc.*, Carmel, California; to become a bank holding company by acquiring 100 percent of the voting shares of Centennial Bank, Hayward, California.

Board of Governors of the Federal Reserve System, September 10, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-20850 Filed 9-15-86; 8:45 am]

BILLING CODE 6210-01-M

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Centers for Disease Control

Cooperative Agreements; Preventive Health Services; Acquired Immunodeficiency Syndrome (AIDS) Surveillance and Associated Epidemiologic Investigations; Program Announcement and Availability of Funds for Fiscal Year 1987

##### Correction

In FR Doc. 86-19204 beginning on page 30432 in the issue of Tuesday, August 26, 1986, making the following corrections:

1. On page 30433, in the first column, under Program Objective, in the eleventh line, "type II" should read "type III".

2. On page 30434, in the third column, under Information, in the second line, "applicants" should read "application".

BILLING CODE 1505-01-M

#### Food and Drug Administration

[Docket No. 86V-0037]

##### Approved Variance for the Collimator Micro-Track Collimator; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.



**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a variance from the performance standard for radiographic equipment has been approved by FDA's Center for Devices and Radiological Health (CDRH) for the Collimaster Micro-Track Collimator manufactured by Machlett Laboratories, Inc.

**DATES:** The variance became effective July 9, 1986, and terminates July 9, 1991.

**ADDRESS:** The application and all correspondence on the application have been placed on display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Tracy Donovan, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

**SUPPLEMENTARY INFORMATION:** Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), CDRH has granted the Machlett Laboratories, Inc., 1063 Hope St., Stamford, CT 06907, a variance from § 1020.31(e)(2) (21 CFR 1020.31(e)(2)) of the performance standard for radiographic equipment for the Collimaster Micro-Track Collimator. The products are beam-limiting devices with the capability of providing "Proof of Collimation" borders on each radiographic film.

The specific requirement of the standard from which a variance has been granted pertains to the provision of § 1020.31(e)(2) requiring that means be provided for positive beam limitation such that x-ray production is prevented when (1) either the length or width of the x-ray field in the plane of the image receptor differs from the corresponding image receptor dimension by more than 3 percent of the source-image receptor distance, or (2) the sum of the length and width differences as stated in paragraph (e)(2)(i) of this section without regard to sign exceeds 4 percent of the source-image receptor distance. All other provisions of the performance standard remain applicable to the product.

CDRH has determined that (1) the requirement of § 1020.31(e)(2) is not appropriate for x-ray systems equipped with the Collimaster Micro-Track Collimator, and (2) suitable means of radiation safety and protection will be provided by (a) constraints on the equipment design, (b) conditions imposed by the terms of the variance, and (c) supplemental information to be provided to the users. Therefore, on July

9, 1986, CDRH approved the requested variance by a letter to the manufacturer from the Deputy Director of CDRH.

So that the product may show evidence of the variance approved for the manufacturer, the product shall bear on the certification label required by § 1010.2(a) (21 CFR 1010.2(a)) a variance number, which is the FDA docket number appearing in the heading of this notice, and the effective date of the variance.

In accordance with § 1010.4, the application and all correspondence on the application have been placed on public display under the designated docket number in the Dockets Management Branch (address above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.86).

Dated: September 9, 1986.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 86-20839 Filed 9-15-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86P-0369]

### **Canned Pacific Salmon Deviating From Identity Standard; Temporary Permit for Market Testing**

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Bumble Bee Seafoods, Inc., to market test canned skinless and boneless chunk salmon packed in water. The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the food.

**DATES:** This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later than December 15, 1986.

**FOR FURTHER INFORMATION CONTACT:** Nannie H. Rainey, Center for Food Safety and Applied Nutrition (HFF-210), Food and Drug Administration, 200 C St SW., Washington, DC 20204, 202-485-0107.

**SUPPLEMENTARY INFORMATION:** In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Bumble Bee Seafoods, Inc., San Diego, CA 92123.

The permit covers limited interstate marketing tests of canned skinless and boneless chunk salmon packed in water. The test product deviates from the standard of identity for canned Pacific salmon (21 CFR 161.170) in three ways: (1) The form of pack is chunk, i.e., not less than 50 percent of the fill weight of the salmon is retained on a 1/2-inch mesh screen; (2) The skin and backbone, i.e., vertebrae and associated bones (neural spines and ventral ribs), are removed; and (3) Water, in an amount not to exceed 10 percent of the water capacity of the can, will be used as a packing medium and to aid in dispersion of salt. The test product meets all requirements of § 161.170 with the exception of these deviations. The permit provides for the temporary marketing of 75,000 cases of test product containing twenty-four 6½ ounce cans each. The test product will be distributed throughout the continental United States.

The test product is to be manufactured at the Petersburg Fisheries plant located in Petersburg, AK.

Each of the ingredients used in the food is stated on the label as required by the applicable sections of 21 CFR Part 101. This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later than December 15, 1986.

Dated: September 9, 1986.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-20845 Filed 9-15-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86V-0145]

### **Approved Variance for Laser Product; Availability**

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a variance from the performance standard for laser products has been



approved by FDA's Center for Devices and Radiological Health (CDRH) for the Model LACE 10 outdoor atmospheric communication system manufactured by FMW Corp.

**DATES:** The variance became effective June 11, 1986, and terminates June 11, 1991.

**ADDRESS:** The application and all correspondence on the application have been placed on display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Tracy Donovan, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

**SUPPLEMENTARY INFORMATION:** Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), CDRH has granted FMW Corp., 523 East Ross St., Lancaster, PA 17602, a variance from § 1040.10(f)(4) (21 CFR 1040.10(f)(4)) of the performance standard for laser products for the Model LACE 10 outdoor atmospheric communication system.

The specific requirement of the standard for which a variance has been granted pertains to the provision of § 1040.10(f)(4) that otherwise would require the Model LACE 10 outdoor atmospheric communication system to incorporate a key-actuated master control that prevents removal of the key when in the on position. All other provisions of the performance standard remain applicable to the product.

CDRH has determined that (1) the requirement of § 1040.10(f)(4) is not appropriate for the product, and (2) suitable means of radiation safety and protection are provided by constraints on the physical design. Therefore, on June 11, 1986, CDRH approved the requested variance by a letter to the manufacturer from the Deputy Director of CDRH.

So that each product may show evidence of the variance approved for the manufacturer, the Model LACE 10

shall bear on the certification label required by § 1010.2(a) (21 CFR 1010.2(a)) a variance number, which is the FDA docket number appearing in the heading of this notice, and the effective date of the variance.

In accordance with § 1010.4, the application and all correspondence on the application have been placed on public display under the designated docket number in the Dockets Management Branch (address above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.86).

Dated: September 9, 1986.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 86-20841 Filed 9-15-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 78P-0295 et al.]

### Approved Variances for Laser Light Shows; Availability

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that variances from the performance standard for laser products have been approved by FDA's Center for Devices and Radiological Health (CDRH) for 19 organizations that manufacture and produce laser light shows, light show projectors, or both. The projectors provide a laser light display to produce a variety of special lighting effects. The principal use of these products is to provide entertainment to general audiences.

**DATES:** The effective dates and termination dates of the variances are

listed in the table below under "Supplementary Information."

**ADDRESS:** The applications and all correspondence on the applications have been placed on display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Tracy Donovan, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

**SUPPLEMENTARY INFORMATION:** Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), FDA has granted each of the 19 organizations listed in the table below a variance from § 1040.11(c) (21 CFR 1040.11(c)) of the performance standard for laser products.

Each variance permits the listed manufacturer to introduce into commerce a demonstration laser product assembled and produced by the manufacturer, which is its particular variety of laser light show, laser light show projector, or both. Each laser product involves levels of accessible laser radiation in excess of Class II levels but not exceeding those required to perform the intended function of the product.

CDRH has determined that suitable means of radiation safety and protection are provided by constraints on the physical and optical design and by warnings in the user manual and on the products. Therefore, on the effective dates specified in the table below, FDA approved the requested variances by letter to each manufacturer from the Deputy Director of CDRH.

So that each product may show evidence of the variance approved for the manufacturer of the product, each product shall bear on the certification label required by § 1010.2(a) (21 CFR 1010.2(a)), a variance number, which is the FDA docket number, and the effective date of the variance as specified in the table below.

Docket No.	Organization granted the variance	Demonstration laser product	Effective date/termination date
78P-0295	Science Fiction Corporation, 333 West 52nd Street, New York, New York 10019.	Class III or IV Science Fiction SFC-2000 Series laser light show projectors and laser light shows assembled and produced by Science Fiction Corporation incorporating those projectors.	May 23, 1986, May 16, 1988
78P-0346	Laservision Productions, Incorporated, 72-1 Shawnee Avenue, Yonkers, New York 10710.	Laservision Productions, Incorporated Models L-174, and H-174, and AO-90 laser projection systems and for laser light shows assembled and produced by the firm with any of these projectors.	May 16, 1986, May 19, 1988
80P-0100, (extension)	Laser Fantasy Productions, Incorporated, 2799 152nd Avenue, Northeast, Redmond, Washington 98052.	Laser Fantasy Productions, Incorporated Class IV "Rainbow" projectors and the laser light shows manufactured, assembled and produced by Laser Fantasy, Productions, Incorporated incorporating these projectors.	June 2, 1986, June 6, 1988
80P-0157, (extension and Amendment)	Image Engineering Corporation, 10 Beacon Street, Somerville, Massachusetts 02143.	Model Series 300 laser projectors manufactured, assembled, and produced by Image Engineering Corporation.	June 9, 1986, Dec. 11, 1988



Docket No.	Organization granted the variance	Demonstration laser product	Effective date/termination date
81P-0001 (extension)	Lighting Systems Design, Incorporated, 4301 Walbridge Street, Orlando, Florida 32809.	Lighting Systems Design laser light shows and the incorporated Lighting Systems Design Lumia Projection System Series Projectors which contain Class IV ion lasers.	May 12, 1986, May 31, 1988
83V-0151	Precision Projection System, Incorporated, 11563 Radley Street, Artesia, California 90701.	Class IIb or Class IV Precision Projection Systems, Incorporated laser light show projectors and laser light shows assembled and produced by Precision Projection Systems Incorporated incorporating these projectors or the Laser Images CS Series or Mark VI Series projectors.	June 6, 1986, June 6, 1988
84V-0160	Advanced Dimensional Displays, Incorporated #102, 16742 Stagg Avenue, Van Nuys, California 91406.	Advanced Dimensional Displays, Incorporated laser light shows and the Large Format Halographic Displays and Display Devices incorporated into these laser light shows.	June 6, 1986, June 8, 1988
84V-0335	La Mama Experimental Theatre Club, Incorporated, 74A East 4th Street, New York, New York 10003.	Campagna Teatrale Krypton laser projector and laser light show for a two-week presentation in the La Mama Theatre.	June 18, 1986 September 28, 1987
85V-0305	Sea World, 1720 South Shores Road, San Diego, California 92109.	Sea World Laser Light Shows, such as "Summer Nights," incorporating Laser Media LMS Series Class IV ion laser projection systems.	June 11, 1986 December 31, 1987
85V-0375	Photon Marketing, Limited dba Photon Amusements, 12630 East Northwest Highway, Dallas, Texas 75228.	Photon Amusements laser light show assembled and produced by Photon Marketing, Limited incorporating the Laser Media, Incorporated Model LMS and Fiberay laser projector devices with a Class IV argon ion laser.	May 12, 1986 May 12, 1988
86V-0144	Kutash Dancin' Incorporated, 258 South Robertson Boulevard, No. 1775, Beverly Hills, California 90211.	Kutash Dancin' Incorporated laser light shows incorporating the argon, krypton, or helium-neon laser Media LM and LMS Series Class IV laser projectors.	June 11, 1986, June 11, 1988
86V-0150/	Lasercom Productions, 3738 West Century Boulevard, Suite 2, Inglewood, California 90303.	Laser light shows manufactured, assembled, and produced by Lasercom Productions with the firm's Class IV argon/krypton or argon laser projectors, Model Series Laser System #1.	May 14, 1986, January 22, 1988
86V-0165	The Federated Group, Incorporated, 5605 Union Pacific Avenue, City of Commerce, California 90022.	Federated Group, Incorporated laser light shows assembled and produced by the firm with their Class IV Federated Laser Display Mark I model series argon Laser projector.	May 15, 1986, May 15, 1988
86V-0166	Boise Philharmonic Association, 205 North 10th Street, Suite 617, Boise, Idaho 83702.	Boise Philharmonic Association laser light show, "Night in Space X2," incorporating the Laser Systems Development Corporation Model C-3 projector.	May 8, 1986, May 9, 1986
86V-0167	David H. Gibson Company, Incorporated, 8401 Ambassador Row, P.O. Box 47160, Dallas, Texas 75247.	David H. Gibson Company, Incorporated laser light show incorporating the Laser Media Chromaray D #08 projector.	June 11, 1986, June 11, 1988
86V-0187	Museum of Arts and Sciences Planetarium, 1040 Museum Boulevard, Daytona Beach, Florida 32014.	Laser light shows produced by the Museum of Arts and Sciences Planetarium incorporating a Laser Systems Development Corporation C-3 projector and Class IIb or IV Ar, Kr, or Ar/Kr laser systems.	June 2, 1986, December 2, 1986
86V-0189	Six Flags Corporation, 8700 West Bryn Mawr, Chicago, Illinois 60631.	Six Flags Corporation laser light shows incorporating the Laser Media Model LM Class IV argon and krypton laser projector.	May 16, 1986, May 16, 1988
86V-0215	Jackson County Rose Festival, 401 South Jackson Street, Jackson, Michigan 49204.	Jackson County Rose Festival laser light show incorporating the Class IV Laser Systems Development Corporation Model C-3 projector.	May 15, 1986, May 17, 1986
86V-0222	Briarcrest Baptist Church, 6000 Briarcrest Avenue, Memphis Tennessee, 38119.	Laser light shows manufactured, assembled and produced by Briarcrest Baptist Church with the Laser Systems Development Model C-4 Class IV laser projector.	May 23, 1986, May 23, 1987

In accordance with § 1010.4, the applications and all correspondence on the applications have been placed on public display under the designated docket number in the Dockets Management Branch (address above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.86).

Dated: September 9, 1986.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 86-20840 Filed 9-15-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86M-0353]

**Phillips Medical Systems, Inc.;**  
**Premarket Approval of GYROSCAN R,**  
**S5, and S15 (Nuclear Magnetic Imaging**  
**System)**

**AGENCY:** Food and Drug Administration.

#### **ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing its approval of the application by Phillips Medical Systems, Inc., Shelton, CT, for premarket approval, under the Medical Device Amendments of 1976, of the GYROSCAN R, S5, and S15. After reviewing the recommendation of the Radiologic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

**DATE:** Petitions for administrative by October 16, 1986.

**ADDRESS:** Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Robert A. Phillips, Center for Devices and Radiological Health (HFZ-430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7514.

**SUPPLEMENTARY INFORMATION:** On October 1, 1985, Phillips Medical Systems, Inc., Shelton, CT 06484, submitted to CDRH an application for

premarket approval of the GYROSCAN R, S5, and S15. The GYROSCAN R (at 0.15 tesla), S5 (at 0.5 tesla), and S15 (at 0.5 and 1.5 tesla) nuclear magnetic resonance (NMR) imaging systems are indicated for use as diagnostic imaging devices that produce transverse, sagittal, coronal, and oblique cross-sectional images that display the internal structure of the head or body. These resultant images correspond to the spatial distribution of protons (hydrogen nuclei) that exhibit magnetic resonance. Image appearance is determined by the NMR properties of proton density, spin-lattice relaxation time (T1), spin-spin relaxation time (T2), and flow. These images, when interpreted by a trained physician, can yield information useful in the determination of a diagnosis. All other uses of the GYROSCAN R, S5, and S15 remain investigational.

On June 9, 1986, the Radiologic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On August 14, 1986, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH



based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Robert A. Phillips (HFZ-430), address above.

#### Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the *Federal Register*. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before October 16, 1986, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs.

515(d), 520(h), 90. Stat. 554-555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: September 9, 1986.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 86-20843 Filed 9-15-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket Nos. 83P-0003 et al.]

#### Approved Variances for Sunlamp Products; Availability

**AGENCY:** Food and Drug Administration.  
**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that variances from the performance standard for sunlamp products have been approved by FDA's Center for Devices and Radiological Health (CDRH) for certain specified UVA sunlamp and sunlamp products manufactured or imported by eight organizations. The intended use of the products is to produce ultraviolet radiation for tanning the skin.

**DATES:** The effective dates and termination dates of the variances are listed in the table below under "Supplementary Information."

**ADDRESS:** The applications and all correspondence on the applications have been placed on display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Tracy Donovan, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

**SUPPLEMENTARY INFORMATION:** Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), CDRH has granted each of the eight organizations listed in the table below a

variance from certain requirements of the performance standard for sunlamp products (21 CFR 1040.20). Approval has been granted for the listed products to vary as specified from that portion of § 1040.20(c)(2)(ii) requiring the maximum timer interval for a sunlamp product to be 10 minutes or less, or from § 1040.20(d)(2) that requires all labels prescribed in the paragraph for ultraviolet lamps to be permanently affixed or inscribed on an exterior surface of the product so as to be legible and readily accessible to view when the product is fully assembled for use. All other provisions of § 1040.20 remain applicable to the listed sunlamp products and ultraviolet lamps.

Each of the variances for the nominally ultraviolet-A (UVA) sunlamp products permits the listed manufacturer or importer to introduce into commerce sunlamp products that have less than 5 percent of their ultraviolet radiation at wavelengths shorter than 320 nanometers. CDRH's experience with this kind of sunlamp product indicates that the relatively lengthy exposure recommended by the manufacturer does not result in severe, acute skin burns or corneal injury. Therefore, some of the requirements of § 1040.20 are not appropriate for these UVA products. Even though the skin hazard is reduced, there is still a need to wear protective eyewear to eliminate the unnecessary risks of harm to chemically sensitized lenses, cornea damage, or long-term development of lens opacities.

CDRH has determined that suitable or alternate means of radiation protection are provided by (1) constraints on the physical and optical design of the products and (2) warnings in the user manual and on the products. Therefore, on the effective dates specified in the table below, CDRH approved the requested variances by a letter to each manufacturer or importer from the Deputy Director of CDRH.

So that the product may show evidence of the variance approved for the manufacturer or importer of that product, each product shall bear on the certification label required by § 1010.2(a) (21 CFR 1010.2(a)) a variance number, which is the FDA docket number, and the effective date of the variance as specified in the table below.

Docket No.	Organization granted the variance	Sunlamp product	Paragraph in 21 CFR 1040.20 pertaining to the variance	Effective date—Termination date
83P-0003 (amendment)	Uvatec, Incorporated, 13135 Ventura Boulevard, Suite 306, Studio City, California 91604.	Dr. Honle lamps, without an outer envelope, manufactured by either Osram or Philips to be used in sunlamp products.	(d)(2)	Feb. 26, 1986, Feb. 24, 1989



—Continued

Docket No.	Organization granted the variance	Sunlamp product	Paragraph in 21 CFR 1040.20 pertaining to the variance	Effective date—Termination date
85V-0417	North American Philips Lighting Corporation, One Westinghouse Plaza, Bloomfield, New Jersey 07003.	High intensity discharge (HID) ultraviolet lamps without an outer envelope to be used in sunlamp products.	(d)(2)	Feb. 3, 1986, Feb. 3, 1991
85V-0442	Vitasun America, Sunworld Corporation, 200 Community Drive, Lake Success, New York 11021.	UVA sunlamp products manufactured by Geers Elektrogeratebau, GmbH, West Germany, and imported by Sunworld Corporation.	(c)(2)(ii)	Jan. 10, 1986, Sep. 8, 1986
85V-0486	Top Sun America Incorporated, 6227 Vance Road, Suite B, Chattanooga, Tennessee 37421.	UVA sunlamp products manufactured by Top Sun, Lauterbach, Solariumbau.	(c)(2)(ii)	Mar. 31, 1986, Sep. 8, 1986
85V-0067	Safe Sun Corporation of America, 2770 Summer Street, Stamford, Connecticut 06905.	UVA sunlamp products, manufactured by Combinent AB of Sweden, and imported by Safe Sun Corporation of America.	(c)(2)(ii)	Feb. 26, 1986, Sep. 8, 1986
85V-0068	German Tanning Industry Incorporated, 314 Flanders Road, P.O. Box 460, East Lyme, Connecticut 06340.	UVA sunlamp products, manufactured by ECO-MATIC Gesellschaft für Licht und Regeltechnik GmbH of Frankfurt, West Germany.	(c)(2)(ii)	Feb. 26, 1986, Sep. 8, 1986
85V-0193	Euron International, One Greenway Plaza, Suite 525, Houston, Texas 77046.	UVA sunlamp products, manufactured by Euron by Ayk GmbH.	(c)(2)(ii)	Jul. 2, 1986, Sep. 8, 1986
85V-0262	Extend AB, Malm Gatan, Box 1240, S-70112, Örebro, Sweden.	Sunrise Model 7022, UVA sunlamp products	(c)(2)(ii)	Aug. 6, 1986, Sep. 8, 1986

In accordance with § 1010.4, the application and all correspondence on the application have been placed on public display under the designated docket number in the Dockets Management Branch (address above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.86).

Dated: September 9, 1986.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 86-20842 Filed 9-15-86; 8:45 am]

BILLING CODE 4160-01-M

## National Institutes of Health

### National Cancer Institute Biometry and Epidemiology Contract Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biometry and Epidemiology Contract Review Committee, National Cancer Institute, National Institutes of Health, October 22, 1986, Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland 20814. This meeting will be open to the public on October 22 from 9:00 A.M. to 9:30 A.M. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552(c)(4) and 552(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on October 22 from

9:30 A.M. to adjournment for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496-5708) will provide summaries of the meeting and a roster of committee members, upon request.

Dr. Harvey P. Stein, Executive Secretary, Biometry and Epidemiology Contract Review Committee, National Cancer Institute, Westwood Building, Room 804, National Institutes of Health, Bethesda, Maryland 20892 (301/496-7030) will provide program information.

Dated: September 5, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86-20824 Filed 9-15-86; 8:45 am]

BILLING CODE 4140-01-M

### National Cancer Institute Board of Scientific Counselors Division of Cancer Prevention and Control; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Prevention and Control, National Cancer Institute, National Institutes of Health, September 22-23, 1986, Wilson Hall, Building 1, 9000 Rockville Pike, Bethesda, Maryland 20892. This meeting will be open to the public on September 22 from 8:30 a.m. to

3:00 p.m. and on September 23 from 8:30 a.m. to adjournment to review programs and policies of the Division of Cancer Prevention and Control Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, a portion of the meeting will be closed to the public on September 22 from approximately 3:00 p.m. to recess to review the results of the intramural research site visit of the Biometry Branch. The site visit chairman will present the site visit report to the Board of Scientific Counselors.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (Telephone: 301/496-5708) will provide summaries of the meeting and rosters of committee members upon request.

Mr. J. Henry Montes, Executive Secretary, Board of Scientific Counselors, Division of Cancer Prevention and Control, National Cancer Institute, Blair Building, Room 1A07, National Institutes of Health, Bethesda, Maryland 20892 (Telephone: 301/427-8630) will furnish substantive program information.

Dated: September 5, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86-20828 Filed 9-15-86; 8:45 am]

BILLING CODE 4140-01-M

### National Cancer Institute Board of Scientific Counselors Division of Cancer Treatment; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, DCT, National



Cancer Institute, October 16-17, 1986, Building 31, 6th Floor, "C" Wing, Conference Room 6, Bethesda, Maryland 20892. This meeting will be open to the public on October 16, 1986, from 8:30 a.m. until 6:00 p.m., and again on October 17, 1986, from 8:30 a.m. until adjournment, to review program plans, contract recompletions and budget for the DCT program. In addition, there will be scientific reviews by several programs in the Division. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301-496-5708) will provide summaries of the meeting and rosters of committee members upon request.

Dr. Bruce A. Chabner, Director, Division of Cancer Treatment, National Cancer Institute, Building 31, Room 3A-52, National Institutes of Health, Bethesda, Maryland 20892 (301-496-4291) will furnish substantive program information.

Dated: September 9, 1986.

Betty J. Beveridge,  
Committee Management Officer, NIH.  
[FR Doc. 86-20827 Filed 9-15-86; 8:45 am]  
BILLING CODE 4140-01-M

#### **National Cancer Institute Cancer Biology-Immunology Contract Review Committee; Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Biology-Immunology Contract Review Committee, National Cancer Institute, National Institutes of Health, October 17, 1986, Building 31C, Conference Room 7, Bethesda, Maryland 20892.

This meeting will be open to the public on October 17, 1986, from 9:00 A.M. to 9:30 A.M. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on October 17, 1986, from approximately 9:30 A.M. until adjournment for the review, discussion and evaluation of contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals,

disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301-496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Wilna A. Woods, Executive Secretary, Cancer Biology-Immunology Contract Review Committee, National Cancer Institute, Westwood Building, Room 807, National Institutes of Health, Bethesda, Maryland 20892 (301-496-7153) will furnish substantive program information.

Dated: September 5, 1986.

Betty J. Beveridge,  
Committee Management Officer, NIH.  
[FR Doc. 86-20825 Filed 9-15-86; 8:45 am]  
BILLING CODE 4140-01-M

#### **National Cancer Institute, Cancer Clinical Investigation Review Committee; Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Clinical Investigation Review Committee, National Cancer Institute, National Institutes of Health, October 27-28, 1986, Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20814. This meeting will be open to the public on October 27, from 8:30 a.m. to 9:15 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on October 27, from approximately 9:15 a.m. until recess and on October 28 from 8:30 a.m. to adjournment, for the review, discussion and evaluation of cooperative agreement applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301-496-5708) will provide summaries of the

meeting and rosters of committee members, upon request.

Dr. Mary Ann Sestili, Executive Secretary, Cancer Clinical Investigation Review Committee, National Cancer Institute, Westwood Building, Room 819, National Institutes of Health, Bethesda, Maryland 20892 (301-496-7481) will furnish substantive program information.

Dated: September 5, 1986.

Betty J. Beveridge,  
Committee Management Officer, NIH.  
[FR Doc. 86-20826 Filed 9-15-86; 8:45 am]  
BILLING CODE 4140-01-M

#### **National Cancer Institute, Clinical Cancer Program Project Review Committee; Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Cancer Program Project Review Committee, National Cancer Institute, National Institutes of Health, December 10-11, 1986, Sir Francis Drake Hotel, 450 Powell Street at Sutter, San Francisco, California 94101. This meeting will be open to the public on December 10 from 8:30 a.m. to 9:00 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 10, from approximately 9:00 a.m. to recess; and on December 11, from 8:00 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301-496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Robert D. Hammond, Executive Secretary, Clinical Cancer Program Project Review Committee, National Cancer Institute, Westwood Building, Room 848, National Institutes of Health, Bethesda, Maryland 20892 (301-496-7924) will furnish substantive program information.



Dated: September 5, 1986.

Betty J. Beveridge,

*Committee Management Officer, NIH.*

[FR Doc. 86-20829 Filed 9-15-86; 8:45 am]

BILLING CODE 4140-01-M

**National Cancer Institute Frederick Cancer Research Facility Advisory Committee; Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Frederick Cancer Research Facility Advisory Committee, National Cancer Institute, 8:30 a.m. to 5:00 p.m., November 21, 1986. The meeting will be held in the Conference Center in Building 549 at the Frederick Cancer Research Facility, Frederick, Maryland 21701.

The meeting will be open to the public on November 21 from 8:30 a.m. to 12:00 noon for a regular status report, discussion of proposed activities to be conducted at FCRF, status of FCRF operations, and on establishment of x-ray crystallography laboratory. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92-463, the meeting will be closed from 12:00 noon to adjournment on November 21 for a report and discussion of previous review evaluations/recommendations, and update on the NCI FCRF recompetition process. These will include evaluation of individual projects and programs conducted by the contractor for the National Cancer Institute, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Knowledge of the status of the current recompetition of the FCRF contracts could give undue advantage to businesses/universities who are submitting proposals for any contract area(s) at the FCRF.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301-496-5708), will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Cedric W. Long, Executive Secretary, Frederick Cancer Research Facility Advisory Committee, National Cancer Institute, Frederick Cancer Research Facility, Building 427, Frederick, Maryland 21701 (301-698-1108) will furnish substantive program information.

Dated September 5, 1986.

Betty J. Beveridge,

*Committee Management Officer, NIH.*

[FR Doc. 86-20830 Filed 9-15-86; 8:45 am]

BILLING CODE 4140-01-M

**National Heart, Lung, and Blood Institute Clinical Trials Review Committee; Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, October 26-29, 1986, at the Holiday Inn Crowne Plaza, 1750 Rockville Pike, Rockville, Maryland 20852.

The meeting will be open to the public on October 26, from 7:00 p.m. to approximately 7:30 p.m. to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public is limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on October 26 from approximately 7:30 p.m. to recess, and from 8:00 a.m. on October 27 to adjournment on October 29, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Therefore, this meeting is concerned with matters exempt from mandatory disclosure under sections 552b(c)(4) and 552b(c)(6) of Title 5, U.S. Code.

Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A-21, National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496-4236, will provide a summary of the meeting and a roster of the Committee members.

Dr. Norman S. Braveman, Contracts, Clinical Trials and Training Review Section, Division of Extramural Affairs,

National Heart, Lung, and Blood Institute, Westwood Building, Room 550B, Bethesda, Maryland 20892, phone (301) 496-7361, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: September 5, 1986.

Betty J. Beveridge,

*NIH Committee Management Officer.*

[FR Doc. 86-20832 Filed 9-15-86; 8:45 am]

BILLING CODE 4140-01-M

**National Heart, Lung, and Blood Institute; Heart, Lung, and Blood Research Review Committee A, Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, National Institutes of Health, on December 4-5, 1986, in Building 31, Conference Room 7, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public on December 4, 1986 from 8:30 am to approximately 9:30 am to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 4, from approximately 9:30 am until adjournment on December 5, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-4236, will provide a summary of the meeting and a roster of the committee members.

Dr. Peter M. Spooner, Executive Secretary, Heart, Lung, and Blood Research Review Committee A,



Westwood Building, Room 554, National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496-7265 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; National Institutes of Health)

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 86-20833 Filed 9-15-86; 8:45 am]

BILLING CODE 4140-01M

### Ad Hoc Committee on Personnel for Health Needs of the Elderly; Meeting

Notice is hereby given that the Ad Hoc Committee on Personnel for Health Needs of the Elderly is sponsoring an Open Forum to consider views, perspectives, and recommendations for the Secretary's report to Congress on the adequacy and availability of personnel to meet the current and projected health needs (including needs for home and community-based care) of elderly Americans through the year 2020.

The Forum will be held on Thursday, October 23, from 9:00 a.m. to 4:00 p.m. in Wilson Hall, Building 1 (the Shannon Building), at the National Institutes of Health.

Section 8 of Pub. L. 99-158 requires that the Secretary's report contain recommendations on:

- (1) The number of primary care physicians, dentists, and other health personnel needed to provide adequate care for the elderly;
- (2) The training needs of other physicians, dentists, and health

personnel to provide care responsive to the particular needs of the elderly;

(3) Necessary changes in the medicare and other third party reimbursement programs necessary to support training of primary care and other physicians to meet the needs of the elderly; and

(4) Necessary program changes in third party reimbursement programs (including changes in medicare programs) to support training of other health personnel in the care of the elderly.

Attendance will be limited on a space-available basis. Those wishing to make reservations for presentations should telephone (301) 496-9322. Speakers will be scheduled for approximately 5-minute presentations on a time-available basis. A written statement (which may be longer) should be submitted in advance to: National Institute on Aging, Building 31, Room 2C02, 9000 Rockville Pike, Bethesda, MD 20892. Attention: Personnel Study.

Dated: September 10, 1986.

James B. Wyngaarden,

Director, NIH.

[FR Doc. 86-20838 Filed 9-15-86; 8:45 am]

BILLING CODE 4140-01-M

### Division of Research Grants: Notice of Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the following study sections for October 1986, and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to study section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in sections 552(c)(4) and 552b(C)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Grants Inquires Office, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20892, telephone 301-496-7441 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each executive secretary whose name, room number, and telephone number are listed below each study section. Since it is necessary to schedule study section meetings months in advance, it is suggested that anyone planning to attend a meeting contact the executive secretary to confirm the exact date, time and location. All times are A.M. unless otherwise specified.

Study section	October 1986 meetings	Time	Location
Allergy and Immunology, Dr. Eugene Zimmerman, Rm. 320, Tel. 301-496-7380	Oct. 16-18	8:30	Holiday Inn, Bethesda, MD.
Bacteriology and Mycology—1, Dr. Milton Gordon, Rm. 304, Tel. 301-496-7340	Oct. 8-10	8:30	Holiday Inn, Bethesda, MD.
Bacteriology and Mycology—2, Dr. William Branche, Jr., Rm. 306, Tel. 301-496-7661	Oct. 21-23	8:30	The Claremont Resort, Oakland, CA.
Behavioral Medicine, Dr. Joan Rittenhouse, Rm. 232, Tel. 301-496-7109	Oct. 8-10	9:00	Holiday Inn, Georgetown, DC.
Biochemical Endocrinology, Dr. Norman Gold, Rm. 226, Tel. 301-496-7430	Oct. 19-22	8:30	Room 10, Bldg. 31C, Bethesda, MD.
Biochemistry—1, Dr. Adolphus P. Toliver, Rm. 316B, Tel. 301-496-7516	Oct. 29-31	8:30	Georgetown Hotel, Washington, DC.
Biochemistry—2, Dr. Alex Liacouras, Rm. 318A, Tel. 301-496-7517	Oct. 22-24	8:30	Linden Hill Hotel, Bethesda, MD.
Bio-Organic and Natural Products Chemistry, Dr. Michael Rogers, Rm. 5, Tel. 301-496-7107	Oct. 23-25	9:00	Holiday Inn, Georgetown, DC.
Biophysical Chemistry, Dr. John B. Wolff, Rm. 236B, Tel. 301-496-7070	Oct. 16-18	8:30	Holiday Inn, Bethesda, MD.
Bio-Psychology, Dr. A. Keith Murray, Rm. 220, Tel. 301-496-7058	Oct. 6-9	9:00	Ramada Inn, Bethesda, MD.
Cardiovascular and Pulmonary, Dr. Anthony C. Chung, Rm. 2A-04, Tel. 301-496-7316	Oct. 8-10	8:30	Linden Hill Hotel, Bethesda, MD.
Cardiovascular and Renal, Dr. Rosemary Morris, Rm. 321, Tel. 301-496-7901	Oct. 27-29	8:30	Holiday Inn, Georgetown, DC.
Cellular Biology and Physiology—1, Dr. Gerald Greenhouse, Rm. 336, Tel. 301-496-7396	Oct. 8-10	8:30	Room B119, Fed. Bldg., Bethesda, MD.
Cellular Biology and Physiology—2, Dr. Evelyn Horenstein, Rm. 306, Tel. 301-496-7661	Oct. 20-22	8:30	Holiday Inn, Bethesda, MD.
Chemical Pathology, Dr. Edmund Copeland, Rm. 353, Tel. 301-496-7078	Oct. 15-17	8:30	Holiday Inn, Chevy Chase, MD.
Diagnostic Radiology, Dr. Catharine Wingate, Rm. 219B, Tel. 301-496-7650	Oct. 22-24	8:30	Marriott Hotel, Bethesda, MD.
Endocrinology, Dr. Harry Brodie, Rm. 333, Tel. 301-496-7346	Oct. 6-8	8:30	Dupont Plaza Hotel, Washington, DC.
Epidemiology and Disease Control—1, Dr. Phyllis B. Eveleth, Rm. 203C, Tel. 301-496-7246	Oct. 7-9	8:30	Ramada Inn, Bethesda, MD.
Epidemiology and Disease Control—2, Dr. Ann Schluenderberg, Rm. 203B, Tel. 301-496-7246	Oct. 7-9	8:30	Ramada Inn, Bethesda, MD.
Experimental Cardiovascular Sciences, Dr. Richard Peabody, Rm. 234, Tel. 301-496-7940	Oct. 14-16	8:00	Room 7, Bldg. 31C, Bethesda, MD.
Experimental Immunology, Dr. David Lavin, Rm. 222B, Tel. 301-496-7238	Oct. 22-24	9:00	Crown Plaza, Rockville, MD.
Experimental Therapeutics—1, Dr. Morris Kelsey, Rm. 221, Tel. 301-496-7597	Oct. 22-24	8:30	Room 9, Bldg. 31C, Bethesda, MD.
Experimental Therapeutics—2, Dr. Marcia Litwack, Rm. 2A03, Tel. 301-496-8848	Oct. 30-31	8:30	Holiday Inn, Bethesda, MD.
Experimental Virology, Dr. Garrett V. Keeler, Rm. 206, Tel. 301-496-7474	Oct. 20-22	8:30	Room 8, Bldg. 31C, Bethesda, MD.
General Medicine A—1, Dr. Harold Davidson, Rm. 354A, Tel. 301-496-7797	Oct. 22-24	8:30	Room 2, Bldg. 31A, Bethesda, MD.
General Medicine A—2, Dr. Donna J. Dean, Rm. 354B, Tel. 301-496-7140	Oct. 22-24	8:30	Room 6, Bldg. 31C, Bethesda, MD.
General Medicine B, Dr. Daniel McDonald, Rm. 322, Tel. 301-496-7730	Oct. 15-17	8:30	Marbury House, Georgetown, DC.
Genetics, Dr. David Remondini, Rm. 349, Tel. 301-496-7271	Oct. 16-18	9:00	Room 3, Bldg. 31A, Bethesda, MD.
Hearing Research, Dr. Joseph Kimm, Rm. 225, Tel. 301-496-7494	Oct. 8-10	8:30	Omni Hotel, Georgetown, DC.
Hematology—1, Dr. Clark Lum, Rm. 355A, Tel. 301-496-7508	Oct. 9-11	8:00	Holiday Inn, Chevy Chase, MD.
Hematology—2, Dr. Joel Solomon, Rm. 355B, Tel. 301-496-7508	Oct. 8-10	8:30	Holiday Inn, Georgetown, DC.



Study section	October 1986 meetings	Time	Location
Human Development and Aging—1, Dr. Teresa Levitt, Rm. 303, Tel. 301-496-7025	Oct. 22-24	9:00	Dupont Plaza Hotel, Washington, DC.
Human Development and Aging—2, Dr. Samuel Rawlings, Rm. 305, Tel. 301-496-7640	Oct. 15-17	8:30	Holiday Inn, Bethesda, MD.
Human Development and Aging—3, Dr. Susan C. Streufert, Rm. 203, Tel. 301-496-9403	Oct. 6-7	8:30	The Shoreham Hotel, Washington, DC.
Human Embryology and Development, Dr. Arthur Hoversland, Rm. 319A, Tel. 301-496-7839	Oct. 28-31	8:30	Holiday Inn, Chevy Chase, MD.
Immunobiology, Dr. William Stylos, Rm. 222A, Tel. 301-496-7780	Oct. 8-10	8:30	Holiday Inn, Bethesda, MD.
Immunological Sciences, Dr. Hugh Stamper, Rm. 233A, Tel. 301-496-7179	Oct. 15-17	8:30	Ramada Inn, Bethesda, MD.
Mammalian Genetics, Dr. Jerry Roberts, Rm. 349, Tel. 301-496-7271	Oct. 16-18	8:30	Crown Plaza, Rockville, MD.
Medicinal Chemistry, Dr. Ronald Dubois, Rm. 5, Tel. 301-496-7107	Oct. 7-9	9:00	Crown Plaza, Rockville, MD.
Metabolism, Dr. Krish Krishnan, Rm. 339A, Tel. 301-496-7091	Oct. 23-25	8:30	Room 8, Bldg. 31C, Bethesda, MD.
Metabolic Chemistry, Dr. John A. Beiser, Rm. 310, Tel. 301-496-7733	Oct. 23-25	8:30	Dupont Plaza Hotel, Washington, DC.
Microbial Physiology and Genetics—1, Dr. Martin Slater, Rm. 238, Tel. 301-496-7183	Oct. 29-31	8:30	Crown Plaza, Rockville, MD.
Microbial Physiology and Genetics—2, Dr. Gerald Liddell, Rm. 357, Tel. 301-496-7130	Oct. 29-31	8:30	Room 7, Bldg. 31C, Bethesda, MD.
Molecular and Cellular Biophysics, Dr. Asher Hyatt, Rm. 348, Tel. 301-496-7071	Oct. 22-24	8:30	Ramada Inn, Bethesda, MD.
Molecular Biology, Dr. Donald Disque, Rm. 328, Tel. 301-496-7830	Oct. 16-18	8:30	Sheraton Inn, Silver Spring, MD.
Molecular Cytology, Dr. Ramesh Nayak, Rm. 233B, Tel. 301-496-7149	Oct. 9-11	8:30	Crowne Plaza, Rockville, MD.
Neurological Sciences—1, Dr. Allen C. Stoolmiller, Rm. 437B, Tel. 301-496-7290	Oct. 16-18	8:00	Wellington Hotel, Washington, DC.
Neurological Sciences—2, Dr. Stephen Gobel, Rm. 154, Tel. 301-496-8908	Oct. 21-23	8:30	Linden Hill Hotel, Bethesda, MD.
Neurology A, Dr. Catherine Woodbury, Rm. 326, Tel. 301-496-7095	Oct. 15-17	8:30	Wellington Hotel, Washington, DC.
Neurology B—1, Dr. Jo Ann McConnell, Rm. 152, Tel. 301-496-7846	Oct. 21-24	8:30	St. James Hotel, Washington, DC.
Neurology B—2, Dr. Herman Teitelbaum, Rm. 152, Tel. 301-496-7422	Oct. 7-10	8:30	Holiday Inn, Chevy Chase, MD.
Neurology C, Dr. Kenneth Newrock, Rm. 154, Tel. 301-496-8808	Oct. 22-25	8:30	Holiday Inn, Bethesda, MD.
Nutrition, Dr. Ai Lien Wu, Rm. 204, Tel. 301-496-7176	Oct. 8-10	8:30	Room 8, Bldg. 31C, Bethesda, MD.
Oral Biology and Medicine—1, Dr. J. Terrell Hoffeld, Rm. 325, Tel. 301-496-7818	Oct. 20-23	8:30	Hyatt Hotel, Arlington, VA.
Oral Biology and Medicine—2, Dr. J. Terrell Hoffeld, Rm. 325, Tel. 301-496-7818	Oct. 27-30	8:30	Hyatt Hotel, Arlington, VA.
Orthopedics and Musculoskeletal, Ms. Ileen Stewart, Rm. 350, Tel. 301-496-7581	Oct. 22-23	8:30	Holiday Inn, Chevy Chase, MD.
Pathobiology, Dr. Asher Hyatt, Rm. 348, Tel. 301-496-7071	Oct. 22-24	8:30	Room 7, Bldg. 31C, Bethesda, MD.
Pathology A, Dr. John L. Meyer, Rm. 337, Tel. 301-496-7305	Oct. 15-17	8:30	Holiday Inn, Chevy Chase, MD.
Pathology B, Dr. Martin Padarathsingh, Rm. 352, Tel. 301-496-7244	Oct. 22-24	8:30	Holiday Inn, Georgetown, DC.
Pharmacology, Dr. Joseph Kaiser, Rm. 206, Tel. 301-496-7409	Oct. 21-23	8:30	American Inn, Bethesda, MD.
Physical Biochemistry, Dr. Gopa Rakhit, Rm. 218B, Tel. 301-496-7120	Oct. 27-29	8:30	Room 5, Bldg. 31C, Bethesda, MD.
Physiological Chemistry, Dr. Stanley Burrows, Rm. 339B, Tel. 301-496-7837	Oct. 22-24	8:00	Holiday Inn, Georgetown, DC.
Physiology, Dr. Michael A. Lang, Rm. 209, Tel. 301-496-7878	Oct. 7-10	8:30	Hyatt Regency Hotel, Bethesda, MD.
Radiation, Dr. John Zimbrick, Rm. 219A, Tel. 301-496-7073	Oct. 20-22	8:30	Holiday Inn, Bethesda, MD.
Reproductive Biology, Dr. Dharam Dhindsa, Rm. 307, Tel. 301-496-7318	Oct. 6-9	8:30	Holiday Inn, Bethesda, MD.
Reproductive Endocrinology, Dr. Bela Gulyas, Rm. 325B, Tel. 301-496-8857	Oct. 8-10	8:30	Holiday Inn, Bethesda, MD.
Respiratory and Applied Physiology, Dr. Nathan Watzman, Rm. 218A, Tel. 301-496-7320	Oct. 15-17	8:30	Ramada Inn, Bethesda, MD.
Safety and Occupational Health, Dr. Richard Rhoden, Rm. 3A10, Tel. 301-496-6723	Oct. 22-24	8:30	Marriott Hotel, Albuquerque, NM.
Sensory Disorders and Language, Dr. Michael Halasz, Rm. 3A-07, Tel. 301-496-7550	Oct. 28-31	8:30	Capitol Holiday Inn, Washington, DC.
Social Sciences and Population, Ms. Carol Campbell, Rm. 201, Tel. 301-496-7906	Oct. 9-11	9:00	American Inn, Bethesda, MD.
Surgery and Bioengineering, Dr. Paul F. Parakkal, Rm. 303A, Tel. 301-496-7506	Oct. 27-28	8:00	Hyatt Regency Hotel, Bethesda, MD.
Surgery, Anesthesiology and Trauma, Dr. Keith Kraner, Rm. 319B, Tel. 301-496-7771	Oct. 9-10	8:30	Westpark Hotel, Arlington, VA.
Toxicology, Dr. Faye J. Calhoun, Rm. 205, Tel. 301-496-7570	Oct. 22-24	8:30	Marriott Hotel, Albuquerque, NM.
Tropical Medicine and Parasitology, Dr. Jean Hickman, Rm. 334, Tel. 301-496-1190	Oct. 9-11	8:30	Holiday Inn, Bethesda, MD.
Virology, Dr. Bruce Maurer, Rm. 309, Tel. 301-496-7605	Oct. 16-18	8:30	Room 8, Bldg. 31C, Bethesda, MD.
Visual Sciences A—1, Dr. Luigi Giacomelli, Rm. 207, Tel. 301-496-7000	Oct. 22-24	9:00	Linden Hill Hotel, Bethesda, MD.
Visual Sciences A—2, Dr. Jane Hu, Rm. 439A, Tel. 301-496-7310	Oct. 15-17	8:00	American Inn, Bethesda, MD.
Visual Sciences B, Dr. Earl Fisher, Jr., Rm. 325, Tel. 301-496-7251	Oct. 8-11	9:00	Wellington Hotel, Washington, DC.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.333, 13.337, 13.393-13.396, 13.837-13.844, 13-846-13.878, 13.892, 13.983, National Institutes of Health, HHS)

Dated: September 5, 1986.

Betty J. Beveridge,  
Committee Management Officer, NIH.  
[FR Doc. 20846 Filed 9-15-86; 8:45 am]  
BILLING CODE 4140-01-M

### National Eye Institute; National Advisory Eye Council Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute, September 29-30, 1986, Building 31, Conference Room 8, National Institute of Health, Bethesda, Maryland.

This meeting will be open to the public from 9:00 a.m. until approximately 12:00 noon on Monday, September 29. Following opening remarks by the Director, National Eye Institute, there will be presentations by the staff of the Institute concerning programs and various research assistance mechanisms.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from approximately 12:00 noon until recess on Monday, September 29, and from 9:00 a.m. to adjournment on Tuesday, September 30, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Kay Valeda, Committee Management Officer, National Eye Institute, Building 31, Room 6A03, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-4903, will provide summaries of meetings and rosters of committee members.

Dr. Ronald G. Geller, Associate Director for Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A03,

National Institutes of Health, Bethesda, Maryland 20892, (301) 496-4903, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs, Nos. 13.867, Retinal and Choroidal Diseases Research; 13.868, Corneal Diseases Research; 13.869, Cataract Research; 13.870, Glaucoma Research; and 13.871, Sensory and Motor Disorders of Visual Research; National Institutes of Health)

Dated: September 5, 1986.

Betty J. Beveridge,  
Committee Management Officer, NIH.  
[FR Doc. 86-20848 Filed 9-15-86; 8:45 am]  
BILLING CODE 4140-01-M

### National Institute of Allergy and Infectious Diseases; Microbiology and Infectious Diseases Research Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Microbiology and Infectious Diseases Research Committee, National Institute of Allergy and Infectious Diseases, on October 9 and 10, 1986, in Building 31, Conference Room 9, at the National



Institutes of Health, Bethesda, Maryland 20892.

The meeting will be open to the public from 9:00 a.m. to 11:00 a.m. on October 9, to discuss administrative details relating to committee business and for program review. Attendance by the public will be limited to space available. In accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92-463, the meeting of the Microbiology and Infectious Diseases Research Committee will be closed to the public for the review, discussion, and evaluation of individual grant applications and contract proposals from 11:00 a.m. until recess on October 9, and from 8:30 a.m. until adjournment on October 10. These applications, proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Patricia Randall, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A-32, National Institutes of Health, Bethesda, Maryland 20892, telephone (301) 496-5717, will provide summaries of the meetings and rosters of the committee members upon request.

Dr. M. Sayeed Quraishi, Executive Secretary, Microbiology and Infectious Diseases Research Committee, NIAID, NIH, Westwood Building, Room 706, Bethesda, Maryland 20892, telephone (301) 496-7465, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

Dated: September 5, 1986.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 86-20837 Filed 9-15-86; 8:45 am]

BILLING CODE 4140-01-M

#### NIDR Special Grants Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Institute of Dental Research Special Grants Review Committee, October 21-22, 1986, in Conference Room 3, Building 31A, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public from 9:00 a.m. to 9:30 a.m. on

October 21 for general discussions. Attendance by the public is limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 9:30 a.m. October 21 to adjournment October 22 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Rose Marie Petrucelli, Executive Secretary, NIDR Special Grants Review Committee, NIH, Westwood Building, Room 519, Bethesda, MD 20892 (telephone 301/496-7658), will provide a summary of the meeting, roster of committee members and substantive program information upon request.

(Catalog of Federal Domestic Assistance Program Nos. 13.121—Diseases of the Teeth and Supporting Tissues; Caries and Restorative Materials; Periodontal and Soft Tissue Diseases; 13-122—Disorders of Structure, Function, and Behavior; Craniofacial Anomalies, Pain Control, and Behavioral Studies; 13-345—Dental Research Institutes; National Institutes of Health)

Dated: September 5, 1986.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 86-20847 Filed 9-15-86; 8:45 am]

BILLING CODE 4140-01-M

#### Nursing Science Review Committee, etc.; Establishment and Reestablishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 [Pub. L. 92-463, 86 Stat. 770-776] and the Health Research Extension Act of 1985, November 20, 1985 [Pub. L. 99-158, section 402(b)(6)], the Director, National Institutes of Health, announces the establishment of the Nursing Science Review Committee and the reestablishment, effective October 1, 1986, of the following committees: Behavioral Medicine Study Section Bio-Organic and Natural Products Chemistry Study Section Cardiovascular and Pulmonary Study Section Experimental Cardiovascular Sciences Study Section Experimental Immunology Study Section Physical Biochemistry Study Section Toxicology Study Section

#### Neurology C Study Section

The duration of these committees is continuing unless formally determined by the Director, NIH, that termination would be in the best public interest.

Dated: September 10, 1986.

James B. Wyngaarden,

Director, National Institutes of Health.

[FR Doc. 86-20831 Filed 9-15-86; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NV-050-06-4131-08]

#### Management Framework Plans; Nevada

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Notice of intent to prepare and amendment to the Clark County Management Framework Plan (MFP), and invitation for public participation in the identification of issues and review of planning criteria.

**SUMMARY:** This notice describes the action to be analyzed for the amendment, the geographic area that would be affected, the preliminary issue and planning criteria, the disciplines to be represented and used to prepare the plan, the kind and extent of public participation activities and the BLM offices to contact for further information.

**DATE:** Public comment and participation are integral parts of the planning process. Written comments on the preliminary issues and planning criteria should be sent to the District Manager, Bureau of Land Management, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada no later than October 14, 1986. No public hearings are scheduled at this time.

**FOR FURTHER INFORMATION CONTACT:** Ben F. Collins, District Manager, Bureau of Land Management, P.O. Box 26569, Las Vegas, Nevada 89126, (702) 388-6403.

#### SUPPLEMENTARY INFORMATION:

#### Description of the Proposed Planning Action

The BLM Las Vegas District is beginning the process of preparing an amendment to the comprehensive land use plan for the Clark County Planning Area as described in 43 CFR 1610.5-5. The action being proposed through the amendment is for the consideration of new lease applications filed prior to the



revocation of 43 CFR 3563.2 and renewal of existing leases for sand and gravel on lands within the boundaries of the Las Vegas Planning Unit in Clark County.

#### The Geographic Area Covered by the Management Framework Plan Amendment

Clark County's Las Vegas Planning Unit lies within the Stateline Resource Area of the BLM Las Vegas District. The planning unit comprises some 598 square miles (26 miles north/south by 23 miles east/west). It is roughly equivalent to the physiographic boundaries of the Las Vegas Valley. The area of actual concern is a four square mile area in T. 22 S., R. 62 E., Secs. 9, 10, 15 and 16 which lies directly west of the Henderson Industrial Area.

#### General Types of Issues Anticipated and Preliminary Planning Criteria

The public is invited to participate in the identification of issues related to the consideration of existing and new sand and gravel leases. Preliminary planning criteria indicate the need to analyze access to leases, surface ownership of leased lands, continuation of present leases and authorization of new leases. Planning criteria will also help to formulate and analyze alternatives that will address the concerns of the BLM and all publics involved. The goal of this process will strive to make the sand and gravel resource available of public land with minimal impact to the environment while meeting future development plans of the surface owners.

No new inventories are planned; updates of existing information will be done as necessary for the environmental analysis of the proposal.

Four alternatives will be analyzed. They are: (1) Renew existing leases for one more five-year period to allow Bonanza Materials to relocate; (2) Do not renew existing leases or process grandfathered applications in accordance with the land use plan; (3) Continue to renew leases until reserves are exhausted and process grandfathered lease applications; and (4) Continue to renew leases until an alternative mining site is located.

#### Disciplines Represented on the Planning Team

An interdisciplinary team representing minerals and realty management and planning coordination will be assigned to this planning effort. All documentation will be reviewed by an interdisciplinary team.

#### Public Participation

Public comment is solicited during this identification of issues and the

development of the criteria to guide the planning process. Upon publication of the notice of amendment decision, there will be a 30-day protest period. Persons interested in participating in the planning should submit their name and address for inclusion on the Clark County MFP amendment mailing list to Bureau of Land Management, Las Vegas District Office, P.O. Box 26569, Las Vegas, Nevada 89126.

#### Location of Planning Document

Planning documents and other pertinent materials may be examined at the Las Vegas District Office located at 4765 W. Vegas Drive, Las Vegas, Nevada between 7:30 a.m. and 4:15 p.m., Monday through Friday.

Dated: September 9, 1986.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 86-20872 Filed 9-15-86; 8:45 am]

BILLING CODE 4310-HC-M

#### National Park Service

#### National Register of Historic Places; Notification of Pending Nominations; California et al.

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before September 6, 1986. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by October 1, 1986.

Carol D. Shull,

Chief of Registration, National Register.

#### CALIFORNIA

##### Los Angeles County

Rancho Palos Verdes, Villa Francesca, 1 Peppertree Dr.

##### Monterey County

Gonzales, Gabilan Lodge No. 372—Independent Order of Odd Fellows, 117 Fourth St.

#### COLORADO

##### Boulder County

Longmont, East Side Historic District, Roughly bounded by Long's Peak Ave., Collyer St., Fourth Ave., and Emery St.

##### Denver County

Denver, Montgomery Court, 215 E. Eleventh Ave.

#### Garfield County

Glenwood Springs, Taylor, Edward T., House, 903 Bennett Ave.

#### Pueblo County

Pueblo, Fitch Terrace, 401, 403, 405, 407, 409, and 411 W. Eleventh St.

#### HAWAII

##### Hawaii County

Mahana Archaeological District  
Pua'a-2 Agricultural Fields Archaeological District

##### Honolulu County

Kaniakapupu  
Kea'au Talus Sites Archaeological District  
Honolulu, Case, Lloyd, House (Honolulu Tudor—French Norman Cottages TR), 3581 Woodlawn Dr.

Honolulu, Cooper, Bartlett, House (Honolulu Tudor—French Norman Cottages TR), 4850 Kahala Ave.

Honolulu, Duhrsen, Carl H., House (Honolulu Tudor—French Norman Cottages TR), 3029 Felix St.

Honolulu, Faus, Dr. Robert, House (Honolulu Tudor—French Norman Cottages TR), 2311 Ferdinand Ave.

Honolulu, House at 3023 Kalakaua Avenue (Honolulu Tudor—French Norman Cottages TR), 3023 Kalakaua Ave.

Honolulu, House at 3023A Kalakaua Avenue (Honolulu Tudor—French Norman Cottages TR), 3023A Kalakaua Ave.

Honolulu, House at 3023B Kalakaua Avenue (Honolulu Tudor—French Norman Cottages TR), 3023B Kalakaua Avenue

Honolulu, House at 3027 Kalakaua Avenue (Honolulu Tudor—French Norman Cottages TR), 3027 Kalakaua Avenue

Honolulu, House at 3033 Kalakaua Avenue (Honolulu Tudor—French Norman Cottages TR), 3033 Kalakaua Avenue

Honolulu, House at 3033B Kalakaua Avenue (Honolulu Tudor—French Norman Cottages TR), 3033B Kalakaua Avenue

Honolulu, House at 4109 Black Point Road (Honolulu Tudor—French Norman Cottages TR), 4109 Black Point Rd.

Honolulu, Mendonca, J.P., House, 1942 Judd Hillside Rd.

Honolulu, Ohrt, Frederick, House (Honolulu Tudor—French Norman Cottages TR), 2958 Pali Hwy.

Honolulu, Shadinger, J. Alvin, House (Honolulu Tudor—French Norman Cottages TR), 4504 Kahala Ave.

Honolulu, Simpson, Charles A., House (Honolulu Tudor—French Norman Cottages TR), 4354 Kahaka Ave.

Honolulu, Tavares, Frank, House (Honolulu Tudor—French Norman Cottages TR), 2826 Coconut Ave.

#### Maui County

Southwest Moloka'i Archaeological District

#### KANSAS

##### Leavenworth County

Leavenworth, Carroll, Edward, House, 334 Fifth Ave.

Leavenworth, Insley, Merritt, House and Outbuildings, 602 Seneca St.



**MISSISSIPPI****Jackson County**

Pascagoula vicinity, *Round Island Lighthouse*, SW corner of Round Island

**Tallahatchie County**

Buford Site (22-T1-501)

**MISSOURI****St. Louis (Independent City)**

*St. Augustine's Roman Catholic Church*, 3114 Lismore  
*Vesper-Buick Auto Company Building*, 3900-3912 W. Pine

**St. Louis County**

Glendale, *Cori House*, 1080 N. Berry Rd.

**Wright County**

Hartville, *Kelton House*, M O 38 & Church St.

**NEW YORK****Erie County**

Buffalo, *Parkside East Historic District (Olmsted Parks and Parkways TR)*, Roughly bounded by Parkside Ave., Amherst St., Colvin Ave., NY Central RR tracks, Main St., & Humboldt Ave.

**NORTH DAKOTA****Mercer County**

Fort Clark Archeological District

**Ward County**

Minot, *Eastwood Park Historic District (Minot MRA)*, Bounded by Old Souris Oxbow

Minot, *Minot Commercial Historic District (Minot MRA)*, Roughly bounded by Soo Line RR tracks, Burdick Expressway, and Broadway

Minot, *Minot Industrial Historic District (Minot MRA)*, Roughly bounded by Souris River, Fifth St., N.E., First Ave., S.E., First St., N.E., Soo Line RR tracks, and Broadway

Minot, *Westland Oil Filling Station (Minot MRA)*, 510 E. Central Ave.

[FR Doc. 86-20860 Filed 9-15-86; 8:45 am]

BILLING CODE 4310-70-M

**Bureau of Reclamation****Spring Canyon Pumped Storage Project, Mohave County, Arizona**

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of Intent to Prepare an Environmental Statement and Notice of Meetings.

**SUMMARY:** Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (as amended) the Bureau of Reclamation, Department of the Interior intends to prepare an Environmental Statement which will address the environmental impacts of the Spring Canyon Pumped Storage Project. Meetings have been scheduled to solicit public views to assist in

determining the scope of the environmental statement and to identify the significant issues related to the potential project.

**DATE:** The meetings will be held at 7 p.m. at the following locations:

September 23, 1986—

Kingman Country Club, 900 Gates Avenue, Kingman, Arizona

September 25, 1986 (also an open house from 2 to 5 p.m.)—

Maricopa County Board of Supervisors Auditorium, 205 West Jefferson, Phoenix, Arizona

October 2, 1986—

Henderson Convention Center, 200 South Water Street, Henderson, Nevada

**FOR FURTHER INFORMATION CONTACT:**

The contact person for this environmental statement is Mike Delamore, Lower Colorado Region, Bureau of Reclamation, Attention: Code LC-730B, P.O. Box 427, Boulder City, Nevada 89005, telephone (702) 293-8524.

**SUPPLEMENTARY INFORMATION:** The purpose of the proposed project is to build a pumped storage power generating facility that could produce from 1,000 to 4,000 megawatts, with a design operating head of about 740 feet, to supply peaking power to the Southwest. Spring Canyon is located in the Lake Mead National Recreation Area, about 8 miles east of Temple Bar, and 40 air miles east of Boulder City, Nevada. Features would include a dam and dikes to create an upper reservoir with a maximum surface area of about 1,800 acres, an underground powerhouse, a complex of tunnels with underwater entrances into Lake Mead's Virgin Canyon, and associated switchyards and transmission lines. Lake Mead would be used as the lower reservoir.

Dated: September 12, 1986.

C. Dale Duvall,

Commissioner.

[FR Doc. 86-21044 Filed 9-16-86; 8:45 am]

BILLING CODE 4310-09-M

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 701-TA-281 (Preliminary)]

**Stainless Steel Pipes and Tubes From Sweden**

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution of a preliminary countervailing duty investigation and scheduling of a conference to be held in connection with the investigation.

**SUMMARY:** The Commission hereby gives notice of the institution of preliminary countervailing duty investigation No. 701-TA-281 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury or the establishment of an industry in the United States is materially retarded, by reason of imports from Sweden of stainless steel pipes and tubes, provided for in items 610.37, 610.51, and 610.52 of the Tariff Schedule of the United States, which are alleged to be subsidized by the Government of Sweden. As provided in section 703(a), the Commission must complete preliminary countervailing duty investigations in 45 days, or in this case by October 20, 1986.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR part 207), and Part 201 Subpart A through E (19 CFR Part 201).

**EFFECTIVE DATE:** September 4, 1986.

**FOR FURTHER INFORMATION CONTACT:**

Daniel Leahy (202-523-1376), Office of Investigations, U.S. International Trade Commission, 710 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

**SUPPLEMENTARY INFORMATION:****Background**

This investigation is being instituted in response to a petition filed on September 4, 1986 by the Specialty Tubing Group.<sup>1</sup>

**Participation in the Investigation**

Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the *Federal Register*. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late

<sup>1</sup> The members of this group are AL Tech Specialty Steel Corporation, Allegheny Ludlum Steel Corporation, ARMO-Specialty Steel Division, Carpenter Technology Corporation, Damascus Tubular Products, and the Trent Tube Division of Crucible Materials Corporation.



entry for good cause shown by the person desiring to file the entry.

#### Service List

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

#### Conference

The Commission's Director of Operations has scheduled a conference in connection with this investigation for 9:30 a.m. on September 25, 1986 at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Parties wishing to participate in the conference should contact Daniel Leahy (202-523-1376) not later than September 22, 1986 to arrange for their appearance. Parties in support of the imposition of countervailing duties in this investigation and a parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

#### Written Submissions

Any person may submit to the Commission on or before September 30, 1986, a written statement of information pertinent to the subject of the investigation, as provided in § 207.15 of the Commission's rules (19 CFR 207.15). A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

**Authority** This investigation is being conducted under authority of the Tariff Act of 1930, Title VII. This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

By order of the Commission.

Issued: September 10, 1986.

**Kenneth R. Mason,**  
Secretary.

[FR Doc. 86-20815 Filed 9-15-86; 8:45 am]

BILLING CODE 7020-02-M

#### INTERSTATE COMMERCE COMMISSION

##### Senior Executive Service Performance Review Board

September 3, 1986.

The purpose of this Notice is to designate changes in the membership of the ICC Senior Executive Service Performance Review Board (PRB).

The PRB is comprised of three principal members and two alternate members. The three principal members are: Edward E. Guthrie, Managing Director; Jane F. Mackall, Director office of Proceedings; Daniel D. Campbell, Deputy General Counsel For Research and Legislation, Office of the General Counsel. The two alternate members are: William R. Southard, Director, Office of Transportation Analysis; and William J. Love, Associate Director, Office of Compliance and Consumer Assistance.

By Heather J. Gradison, Chairman.

**Noreta R. McGee**

Secretary.

[FR Doc. 86-20890 Filed 9-15-86; 8:45 am]

BILLING CODE 7035-01-M

#### DEPARTMENT OF JUSTICE

##### Information Collection(s) Under Review September 11, 1986.

The Office of Management and Budget (OMB) has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. Entries are grouped into submission categories. Each entry contains the following information: the name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); the office of the agency issuing the form; the title of the form; the agency form number, if applicable; how often the form must be filled out; who will be required or asked to report; an estimate of the number of responses; an estimate of the total

number of hours needed to fill out the form; an indication of whether section 3504(h) of Pub. L. 96-511 applies; and, the name and telephone number of the person or office responsible for the OMB review. Copies of the proposed form(s) and the supporting documentation may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions regarding the item(s) contained in this list should be directed to the reviewer listed at the end of each entry and to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

**Department of Justice, Agency Clearance Officer: Larry E. Miesse—202/633-4312**

*Reinstatement of a Previously Approved Collection for Which Approval Has Expired*

- (1) Larry E. Miesse, 202/633-4312
- (2) Federal Bureau of Investigation, Department of Justice
- (3) Age, Sex, and Race of Persons Arrested
- (4) DO 62 and 62a
- (5) Monthly
- (6) State and local governments. Used to collect information for comprehensive annual publication.
- (7) 1,371 respondents
- (8) 8,226 burden hours
- (9) Not applicable under 3504(h)
- (10) Robert Veeder—395-4814

*Revision of a Currently Approved Collection*

- (1) Larry E. Miesse, 202/633-4312
- (2) Office of the Comptroller, Office of Justice Programs, Department of Justice
- (3) Supplemental to SF-424, Application for Federal Assistance (non-construction programs)
- (4) OJP 4000/3
- (5) As needed
- (6) State or local governments. This standard grant application is required for discretionary technical assistance and other grants. It is required to meet certain legal administrative requirements of OMB Circulars A-102 and A-110.
- (7) 600 respondents
- (8) 15,600 burden hours
- (9) Not applicable under 3504(h)
- (10) Robert Veeder—395-4814



**Extension of the Expiration Date of a Currently Approved Collection Without Any Change in the Substance or in the Method of Collection**

- (1) Larry E. Miesse, 202/633-4312
- (2) Office of the Comptroller, Office of Justice Programs, Department of Justice
- (3) Financial Status Report (H-1)
- (4) OJP 7160/1
- (5) Quarterly
- (6) State or local governments, Businesses or other for-profit. OMB Circulars A-102 and A-110 requires grant recipients to submit financial status reports to the grantor agency.
- (7) 4,200 respondents
- (8) 6,300 burden hours
- (9) Not applicable under 3504(h)
- (10) Robert Veeder—395-4814

- (1) Larry E. Miesse, 202/633-4312
- (2) Office of the Comptroller, Office of Justice Programs, Department of Justice
- (3) Categorical Assistance Progress Report
- (4) OJP 4587/1
- (5) One-time (Final)
- (6) State or local governments, businesses or other for-profit. OMB Circulars A-102 and A-110 requires grant recipients to submit performance to the grantor agency.
- (7) 4,000 respondents
- (8) 8,000 burden hours
- (9) Not applicable under 3504(h)
- (10) Robert Veeder—395-4814

- (1) Larry E. Miesse, 202/633-4312
- (2) Office of the Comptroller, Office of Justice Programs, Department of Justice
- (3) Request for Advance or Reimbursement
- (4) OJP 7160/3
- (5) Quarterly
- (6) State or local governments, businesses or other for-profit. OMB Circulars A-102 and A-110 requires grant recipients to request Federal funds using this form when the Letter of Credit method of disbursement is not used.
- (7) 700 respondents
- (8) 4,200 burden hours
- (9) Not applicable under 3504(h)
- (10) Robert Veeder—395-4814

- (1) Larry E. Miesse, 202/633-4312
- (2) Bureau of Justice Statistics, Office of Justice Programs, Department of Justice
- (3) National Prisoner Statistics—prison Population Report, 1A—Midyear Population Counts, 1B—Advance Yearend Population Counts
- (4) NPS 1A, 1B
- (5) Annually
- (6) State or local governments, Federal agencies or employees. Data provides

basis for historical trend analysis of midyear and advance endyear measures on the number of persons incarcerated and the degree of overcrowding in correction institutions.

- (7) 55 respondents
- (8) 275 burden hours
- (9) Not applicable under 3504(h)
- (10) Robert Veeder—395-4814
- (1) Larry E. Miesse, 202/633-4312
- (2) Immigration and Naturalization Service, Department of Justice
- (3) Application to Preserve Residence for Naturalization
- (4) N-470
- (5) On occasion
- (6) Individuals or households. Used to determine whether an alien who intends to be absent from the U.S. for a year or more is eligible to preserve residence for naturalization purposes.

- (7) 4,000 respondents
  - (8) 1,000 burden hours
  - (9) Not applicable under 3504(h)
  - (10) Robert Veeder—395-4814
- Larry E. Miesse,  
Clearance Officer, Department of Justice.  
[FR Doc. 86-20855 Filed 9-15-86; 8:45 am]  
BILLING CODE 4410-18-M

#### Antitrust Division

##### United States v. Data Card Corporation: Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), that a complaint, proposed final judgment, stipulation, and competitive impact statement have been filed with the United States District Court for the District of Columbia in *United States of America v. Data Card Corporation*.

The complaint of the United States in this case alleges that the acquisition of all the stock of DBS, Incorporated ("DBS") by Data Card Corporation ("Data Card") may substantially lessen competition in the United States in the production and sale of automatically-fed, low-volume embossers in violation of Section 7 of the Clayton Act (15 U.S.C. 18). Embossers are devices used to form raised characters on plastic or metal plates, such as credit or identification cards. Automatically-fed, low-volume embossers (which are capable of producing one to two hundred cards per hour) are used primarily by hospitals to produce embossed plastic patient identification cards. In 1985, total sales of such embossers in the United States amounted to approximately \$10 million. DBS accounted for approximately 59

percent of those sales, and Data Card accounted for approximately 12 percent.

The proposed Final Judgment would require Data Card to divest the AFI 1500/1600 embosser product line, which constitutes part of the DBS assets that it will acquire, by November 1, 1986. If Data Card has not divested the AFI 1500/1600 product line by that date, a trustee will be appointed to complete the divestiture.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the *Federal Register* and filed with the court. Comments should be directed to P. Terry Lubeck, Chief, Litigation II Section, Antitrust Division, Room 700, Safeway Building, U.S. Department of Justice, Washington, DC 20530 (202/724-7966).

Dated: September 5, 1986.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

United States District Court for the District of Columbia

United States of America, Plaintiff, v. Data Card Corporation, Defendant.

Civil No. 86-2339.

Filed: August 22, 1986.

#### Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

(1) The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court;

(2) The parties shall abide by and comply with the provisions of the proposed Final Judgment pending entry of the Final Judgment;

(3) In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated: August 22, 1986.



For the Plaintiff United States of America:  
Charles F. Rule,  
*Acting Assistant Attorney General.*

Roger B. Andewelt,  
P. Terry Lubeck,  
Mark C. Schechter,  
*Attorneys, U.S. Department of Justice.*  
Andrew D. Caverly,  
Kenneth M. Frankel,  
Willie L. Hudgins, Jr.,  
Jeffrey B. Aaronson,  
Cecelia M. Lutz  
*Attorneys, U.S. Department of Justice,  
Antitrust Division, Washington, D.C. 20530.*

For Defendant Data Card Corporation,  
D. J. Ekberg,  
*Chairman of the Board and Chief Executive  
Officer Data Card Corporation.*

Stipulation Approved for Filing.

Done this 22d day of August, 1986.

Stanley S. Harris,  
*United States District Judge.*

United States District Court for the District of  
Columbia

United States of America, Plaintiff, v. Data  
Card Corporation, Defendant.

Civil No: 86-2339.  
Filed: August 22, 1986.

#### Final Judgment

Whereas, plaintiff, United States of America, having filed its Complaint herein on August 22, 1986, and plaintiff and defendant, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue;

And Whereas, defendant has agreed to be bound by the provisions of this Final Judgment pending its approval by the Court;

And Whereas, prompt and certain divestiture is the essence of this agreement and defendant has represented to plaintiff that the divestiture required below can and will be made and that defendant will later raise no claims of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained below;

Now, Therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby

Ordered, Adjudged and Decreed as follows:

#### I.

This Court has jurisdiction over the subject matter of this action and over each of the parties hereto. The

Complaint states a claim upon which relief may be granted against defendant under Section 7 of the Clayton Act, as amended (15 U.S.C. 18).

#### II.

As used in this Final Judgment:

A. "Data Card" means defendant Data Card Corporation; each division, subsidiary, or affiliate thereof; and each officer, director, employee, attorney, agent, or other person acting for or on behalf of any of them.

B. "Person" means any natural person, corporation, association, firm, partnership, or other business or legal entity.

C. "Low-volume embosser" means an embosser that is used to form raised characters on plastic cards or metal plates, that has the capability of producing up to about 200 embossed cards or plates per hour, that has a mechanism that automatically feeds blank cards or plates into the embossing mechanism, that is capable of operating on-line to a computer, and that does not have the capability of encoding data onto magnetic stripes.

D. "AFI 1500/1600" means (1) the AFI 1500, AFI 1600, AFI 6500, AFI 6600, and AFI 6660 embossers; (2) all automatic-feed mechanisms for one or more such machines; (3) all manual-feed mechanisms for one or more such machines; (4) all interfaces for one or more such machines; (5) all video display units for one or more such machines; (6) all software for one or more such machines; and (7) all other equipment used on or with such machines.

E. "AFI 1500/1600 technology" means all patents, copyrights, trade secrets, know-how, documentation, and other information relating to the AFI 1500/1600, to parts for one or more such machines, or to tooling relating to one or more such machines or parts.

F. "AFI 1500/1600 product line" means: (1) all rights in the AFI 1500/1600, including the exclusive right to produce and sell the AFI 1500/1600, except that Data Card may retain such nonexclusive rights in the AFI 1500/1600 as Data Card reasonably needs to enable it, along with the purchaser, to service previously installed units of the AFI 1500/1600; (2) all inventory of the AFI 1500/1600, whether totally or partially assembled; (3) all inventory of parts for the AFI 1500/1600 except that Data Card may retain such spare parts as it reasonably needs to fulfill its obligations to service previously installed units of the AFI 1500/1600, provided, however, that Data Card may not retain any spare parts other than the entire inventory of spare parts that was

in the possession of DBS Inc.'s field personnel and Branch Offices on June 30, 1986, one-half of the spare parts located at DBS Inc.'s Randolph, Massachusetts Distribution warehouse on June 30, 1986, and one-half of the spare parts previously ordered by DBS Inc. under purchase orders numbers 32603 and 32680; (4) all tooling relating to the AFI 1500/1600; (5) the AFI 1500/1600 technology, including the exclusive rights to that technology, except that Data Card may retain the nonexclusive right to use such existing technology as Data Card reasonably needs to enable it, along with the purchaser, to service previously installed units of the AFI 1500/1600; (6) all product manuals, technical manuals, service manuals, marketing materials, and promotional materials relating to the AFI 1500/1600, including exclusive rights to all copyrights and other intellectual property rights related thereto, except that Data Card may retain the nonexclusive right to use copies of technical and service manuals that Data Card reasonably needs to enable it, along with the purchaser, to service previously installed units of the AFI 1500/1600; (7) all proposals, drawings, plans, or suggestions for reducing the cost of or improving the AFI 1500/1600; (8) a list of all persons that have supplied one or more parts for the AFI 1500/1600 since January 1, 1985, including for each such supplier, its name, address, and telephone number, the identity of all such parts it supplied, and for each such part, the terms of any supply agreement; (9) a list of all persons that have been considered since January 1, 1985, as potential suppliers of one or more parts for the AFI 1500/1600, including for each such person, its name, address, and telephone number, and the identity of all such parts for which the person was considered as a potential supplier; (10) a list of all persons in the United States that own an installed unit of the AFI Cardwriter III, AFI 1400, AFI 1500, AFI 1600, AFI 6500, AFI 6600, or AFI 6660 embossers including for each such person, its name, address, telephone number, and contact person, and the number of units of each type of installed machine the person owns; (11) at the purchaser's request, all trade secrets, know-how, documentation, and other information the purchaser reasonably needs to service previously installed units of the AFI Cardwriter III and AFI 1400 low-volume embossers provided that Data Card may limit the purchaser's use of such trade secrets, know-how, documentation, and other information to servicing the AFI Cardwriter III and AFI 1400; (12) at the



purchaser's request, nonexclusive rights in parts for the AFI Cardwriter III and AFI 1400 that the purchaser reasonably needs to enable it, along with Data Card, to service the AFI Cardwriter III and AFI 1400, provided that Data Card may limit the use of such parts to servicing the AFI Cardwriter III and AFI 1400; and (13) all other assets relating to the AFI 1500/1600 that Data Card, the purchaser, or the trustee, if there is one, reasonably believes would be useful in accomplishing the divestiture in the manner set forth in paragraphs IV and V of this Final Judgment.

### III.

A. The provisions of this Final Judgment shall apply to Data Card, its successors and assigns, and to call other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

B. Except for Section IV.D. of this Final Judgment, nothing herein contained shall suggest that any portion of this Final Judgment is or has been created for the benefit of any third party, and nothing herein shall be construed to provide any rights to any third party.

C. Data Card shall require, as a condition of the sale of all its assets or stock, that the acquiring party agree to be bound by the provisions of this Final Judgment.

D. Data Card shall require, as a condition of the sale or other disposition of all or substantially all of its assets relating to its low-volume embosser business, that the acquiring party agree to be bound by the provisions of this Final Judgment.

### IV.

A. Data Card having committed itself to acquire all of the stock of DBS, Inc. pursuant to an agreement dated July 31, 1986, Data Card is hereby ordered and directed, no later than November 1, 1986, to divest to a purchaser all of its direct and indirect ownership and control of the AFI 1500/1600 product line. The obligation to divest shall be satisfied if, by November 1, 1986, Data Card enters into a binding contract for sale of the AFI 1500/1600 product line (a) that is to a purchaser approved by plaintiff, (b) that is on terms approved by plaintiff, (c) that is contingent only upon compliance with the terms of this Final Judgment, and (d) that specifies a prompt and reasonable closing date no later than January 1, 1987, and if sale is completed pursuant to the contract.

B. Unless plaintiff otherwise consents, a divestiture under Section IV of this

Final Judgment shall be accomplished in such a way as to satisfy plaintiff that the AFI 1500/1600 product line can and will be operated by the purchaser as a viable, on-going business engaged in the production of low-volume embossers for sale to hospitals and other customers throughout the United States. Such divestiture shall be made to a purchaser for whom it is demonstrated to plaintiff's satisfaction that (1) the purchase is for the purpose of competing effectively in the production of low-volume embossers for sale to hospitals and other customers throughout the United States and (2) the purchaser has the managerial, operational, and financial capability to compete effectively in the production of low-volume embossers for sale to hospitals and other customers throughout the United States.

C. Upon objection by plaintiff, a divestiture proposed under Section IV of this Final Judgment to a producer of low-volume embossers or to a potential entrant into the low-volume embosser market shall not be consummated. Upon objection by plaintiff, a divestiture proposed under Section V of this Final Judgment to a producer of low-volume embossers or to a potential entrant into the low-volume embosser market shall not be consummated unless approved by the Court.

D. In accomplishing the divestiture of the AFI 1500/1600 product line ordered by this Final Judgment, Data Card shall make known in the United States, by usual and customary means, the availability of the AFI 1500/1600 product line for sale. Data Card shall notify any person making an inquiry regarding the possible purchase of the AFI 1500/1600 product line that the sale is being made pursuant to this Final Judgment and provide such person with a copy of this Final Judgment. Data Card also shall furnish to all bona fide prospective purchasers who so request, and subject to customary confidentiality assurances, all pertinent information regarding the AFI 1500/1600 product line. Data Card shall provide such information to plaintiff at the time it furnishes such information to any other person. Data Card also shall permit all bona fide prospective purchasers to have access to any and all personnel who have any responsibilities for the AFI 1500/1600 product line and to make such inspection of physical assets and any and all financial, operational, or other documents and information as may be relevant to the sale of the AFI 1500/1600 product line.

### V.

A. If Data Card has not accomplished the divestiture required by Section IV of this Final Judgment by November 1, 1986, the Court shall, upon application of plaintiff, appoint a trustee to divest the AFI 1500/1600 product line. Such appointment shall become effective on November 1, 1986 or as soon thereafter as the Court appoints the trustee. After the trustee's appointment becomes effective, only the trustee, and not Data Card, shall have the right to sell the AFI 1500/1600 product line. The trustee shall be a business broker or a member of the investment banking community with experience and expertise in acquisitions and divestitures. The trustee shall have the power and authority to accomplish the divestiture at the best price then obtainable upon a reasonable effort by the trustee to a purchaser acceptable to plaintiff, subject to the provisions of Section VI of this Final Judgment. The trustee shall have such other powers as the Court deems appropriate. Data Card shall use all reasonable efforts to assist the trustee in accomplishing the required divestiture. Data Card shall not object to a sale by the trustee on any grounds other than malfeasance. Any such objection by Data Card must be conveyed in writing to plaintiff and the trustee within fifteen (15) days after the trustee has notified Data Card of the proposed sale.

B. If Data Card has not divested its ownership interest in the AFI 1500/1600 product line by October 1, 1986, Data Card shall notify plaintiff of that fact. If Data Card still has not divested all of its ownership interest in the AFI 1500/1600 product line within five (5) days thereafter, plaintiff shall provide Data Card with written notice of the names and qualifications of not more than two (2) nominees for the position of trustee for the required divestiture. Data Card will notify plaintiff within five (5) days thereafter whether either or both of such nominees are acceptable. If either or both of such nominees are acceptable to Data Card, plaintiff shall notify the Court of the person or persons upon whom the parties have agreed and the Court shall appoint one of the nominees as the trustee. If neither of such nominees is acceptable to Data Card, it shall furnish to plaintiff, within five (5) days after plaintiff provides the names of its nominees, written notice of the names and qualifications of not more than two (2) nominees for the position of trustee for the required divestiture. Plaintiff shall furnish the Court the names and qualifications of its proposed nominees and the names and



qualifications of the nominees proposed by Data Card. The Court may hear the parties as to the qualifications of the nominees and shall appoint one of the nominees as the trustee.

C. The trustee shall serve at the cost and expense of Data Card, on such terms and conditions as the Court may prescribe, and shall account for all monies derived from a sale of the AFI 1500/1600 product line and all costs and expenses so incurred. After approval by the Court of the trustee's accounting, including fees for its services, all remaining monies shall be paid to Data Card and the trust shall be terminated. The trustee's compensation shall be based on a fee arrangement providing the trustee with an incentive based on the price and terms of the divestiture and the speed with which it is accomplished.

D. The trustee shall have full and complete access to the personnel, books, records, and facilities of Data Card, and Data Card shall develop such financial and other information relevant to the assets to be divested as the trustee may request. Data Card shall take no action to interfere with or impede the trustee's accomplishment of the divestiture.

E. After its appointment, the trustee shall file monthly reports with the parties and the Court setting forth the trustee's efforts to accomplish divestiture as contemplated under this Final Judgment. If the trustee has not accomplished such divestiture within ten (10) months after the trustee's appointment, the trustee shall thereupon promptly file with the Court a report setting forth (1) the trustee's efforts to accomplish the required divestiture, (2) the reasons, in the trustee's judgment, why the required divestiture has not been accomplished, and (3) the trustee's recommendations. The trustee at the same time shall furnish such report to the parties, who shall each have the right to be heard and to make additional recommendations consistent with the purpose of the trust. The Court thereafter shall enter such orders as it shall deem appropriate to carry out the purpose of the trust, which shall include, if necessary, extending the term of the trust and the term of the trustee's appointment.

#### VI.

At least fifteen (15) days prior to the scheduled closing date of a proposed divestiture pursuant to Section IV, or at least thirty (30) days prior to the scheduled closing date of a proposed divestiture pursuant to Section V of this Final Judgment, Data Card or the trustee, whichever is then responsible for effecting the divestiture required

herein, shall notify plaintiff of the proposed divestiture. If a trustee is responsible, it shall similarly notify Data Card. The notice shall set forth the details of the proposed transaction and for each person not previously identified who offered or expressed an interest or desire to acquire any ownership interest in the AFI 1500/1600 product line, the name, address, and telephone number of that person together with full details of that person's interest or desire to acquire such ownership interest. Within fifteen (15) days after receipt of notice of the proposed divestiture, plaintiff may request from Data Card and the proposed purchaser additional information concerning the proposed divestiture. Data Card shall furnish the additional information requested from it within twenty (20) days of the receipt of the request, unless plaintiff shall agree to extend the time. Until plaintiff certifies in writing that it is satisfied that both Data Card and the proposed purchaser have provided the additional information requested from them, the divestiture shall not be consummated. Within thirty (30) days after receipt of the notice or within twenty (20) days after receipt of the additional information from Data Card and the proposed purchaser, whichever is later, unless Data Card shall agree to extend the time, plaintiff shall notify in writing Data Card and the trustee, if there is one, if it objects to the proposed divestiture. If plaintiff fails to object within the period specified, or if plaintiff notifies in writing Data Card and the trustee, if there is one, that it does not object, the divestiture may be consummated, subject only to Data Card's right to object to the sale under the proviso in Section V.A. of this Final Judgment. Upon objection by plaintiff, a divestiture proposed under Section IV of this Final Judgment shall not be consummated. Upon objection by plaintiff, a divestiture proposed under Section V of this Final Judgment shall not be consummated unless approved by the Court. Upon objection by Data Card under Section V.A. of this Final Judgment, the proposed divestiture shall not be consummated unless approved by the Court.

#### VII.

Data Card shall not finance without plaintiff's permission all or any part of the purchase of the AFI 1500/1600 product line pursuant to the divestiture required by section IV or V of this Final Judgment.

#### VIII.

Data Card shall abide by the following hold-separate provisions:

A. Data Card shall take all steps necessary to assure that no proprietary technology and other proprietary business information specific to the AFI 1500/1600 product line is used by Data Card to compete with the AFI 1500/1600, except that Data Card may use such technology and information that it reasonably needs to enable it, along with the purchaser, to provide service on previously installed units of the AFI 1500/1600.

B. Data Card shall:

(1) Refrain from terminating or reducing one or more current employment, salary, or benefit agreements for one or more management, engineering, or other technical personnel involved with the AFI 1500/1600 product line, except in the ordinary course of business, without prior approval of plaintiff;

(2) Preserve the AFI 1500/1600 as an active competitor in the market for low-volume embossers;

(3) Refrain from altering or selling any assets relating to the AFI 1500/1600 product line, except in the ordinary course of business, or from taking any action that would have the effect of reducing the scope of competition between the AFI 1500/1600 and other low-volume embossers, without the prior approval of plaintiff;

(4) Refrain from taking any action that would jeopardize the sale of the AFI 1500/1600 product line as a viable product line in any market in which it participated at the time of the filing of the Complaint in this civil action.

#### IX.

Data Card shall submit in writing to plaintiff verified written reports setting forth in detail the fact and manner of compliance with Section IV or V, as the case may be, and Section VIII of this Final Judgment. The first three (3) such reports shall be submitted on September 15, 1986; October 8, 1986; and October 31, 1986 and the remaining reports shall be submitted at periodic intervals of no less than thirty (30) days until the divestiture required by Section IV or V of this Final Judgment is accomplished. Plaintiff shall determine such periodic intervals and give Data Card no less than 30 days' notice of any changes therein. Each such report of compliance with Section IV shall include, for each person who, during the preceding reporting period made an offer to acquire, expressed an interest or desire to acquire, entered into negotiations to acquire, or made an inquiry about acquiring any ownership interest in the AFI 1500/1600 product line, the name, address, and telephone number of that



person and a detailed description of each contact with that person during that period. Data Card shall maintain full records of all efforts made to divest the AFI 1500/1600 product line. With respect to Section VIII, such report of compliance shall also describe the status of Data Card's efforts during the preceding reporting period to make new sales of the AFI 1500/1600, to secure contracts to service the AFI 1500/1600, or to perform service on those products. Data Card shall maintain full records for all such efforts.

#### X.

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

A. Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Data Card made to its principal office, be permitted:

(1) Access during office hours of Data Card to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of Data Card, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of Data Card and without restraint or interference from it, to interview officers, employees and agents of Data Card, who may have counsel present, regarding any such matters.

B. Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, made to Data Card's principal office, Data Card shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

C. No information or documents obtained by the means provided in this Section X shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. If at the time information or documents are furnished by Data Card or a potential purchaser to plaintiff, Data Card or the potential purchaser represents and identifies in writing the

material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and Data Card or the potential purchaser marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days' notice shall be given by plaintiff to Data Card or the potential purchaser, whichever furnished the requested information, prior to divulging such material in any legal proceeding (other than a grand jury proceeding).

#### XI.

A. Upon request of the purchaser, Data Card shall use its best efforts to make available, at a reasonable time and place and for a period not to exceed eighteen (18) months from the date of the divestiture of the AFI 1500/1600 product line, qualified personnel to assist the purchaser in: (1) Hiring and training a production staff to produce the AFI 1500/1600, (2) identifying competent vendors to supply parts for the AFI 1500/1600, (3) hiring and training a sales staff to market the AFI 1500/1600, (4) hiring and training a service staff to service the AFI 1400 low-volume embosser and the AFI 1500/1600, and (5) identifying competent third parties to service the AFI 1400 low-volume embosser and the AFI 1500/1600, and training a third party, chosen by the purchaser, to service the AFI 1400 low-volume embosser and the AFI 1500/1600.

B. All assistance and advice made available pursuant to this Section XI shall be made available at cost (salary, benefits, and out-of-pocket expenses), determined in accordance with generally accepted accounting principles. Any controversy concerning the cost of the assistance and advice shall be settled by arbitration.

#### XII.

At the request of the purchaser made up to one (1) year after the date of the divestiture of the AFI 1500/1600 product line, Data Card shall enter into a contract with the purchaser regarding service for products sold by the purchaser under rights acquired pursuant to this Final Judgment. The contract shall commit Data Card to providing service for the useful lives of any or all such products sold by the purchaser during a period up to four (4) years following the completion of the divestiture required by this Final Judgment, all at the purchaser's option. Such contract shall commit Data Card to providing such service on a reasonable non-discriminatory basis compared to

the price Data Card charges for service on the Data Card Model 300 low-volume embosser. Any controversy concerning such a contract shall be settled by arbitration.

#### XIII.

In the event that Data Card is unwilling to divest an asset that the purchaser or the trustee wants included in the divestiture pursuant to Section II.F.(12) of this Final Judgment, Data Card may refuse to include such asset in the divestiture provided that Data Card shall promptly notify in writing plaintiff and the purchaser of such refusal. Such notice shall state why, in the opinion of Data Card, such asset should not be included in the divestiture. Plaintiff shall have fifteen (15) days from the receipt of such notice in which to notify Data Card that it disagrees with Data Card's position. If plaintiff fails to so notify Data Card, then Data Card shall not be required to include such asset in the divestiture. If plaintiff so notifies Data Card, Data Card shall include such asset in the divestiture unless, within fifteen (15) days from the receipt of such notice, Data Card petitions the Court for an order relieving it of its responsibility to include such asset in the divestiture and the Court enters such an order.

#### XIV.

At the time of the required divestiture, Data Card shall enter into a reasonable arbitration agreement with the purchaser concerning controversies to be settled by arbitration pursuant to this Final Judgment. When any controversy is submitted to arbitration, Data Card shall promptly notify plaintiff in writing of the controversy being arbitrated and shall promptly serve a copy of the final award on plaintiff.

#### XV.

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction, implementation, or modification of any of the provisions of this Final Judgment, for the enforcement of compliance herewith, and for the punishment of any violations hereof.

#### XVI.

Rule 6 of the Federal Rules of Civil Procedure shall govern the computation of the running of all time periods under this Final Judgment.



## XVII.

This Final Judgment will expire on the second anniversary of the completion of the divestiture required herein.

## XVIII.

Entry of this Final Judgment is in the public interest.

United States District Judge.

Dated:

United States District Court for the District of Columbia

United States of America, Plaintiff, v. Data Card Corporation, Defendant.

Civ. No. 86-2339

Filed: August 22, 1986.

### Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)-(h)), the United States of America files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry with the consent of Data Card Corporation in this civil antitrust proceeding.

#### I. Nature and Purpose of the Proceeding

This civil action began on August 22, 1986, when the United States filed a complaint alleging that the proposed acquisition of all the stock of DBS, Incorporated (hereinafter "DBS") by Data Card Corporation, Inc. (hereinafter "Data Card") violated section 7 of the Clayton Act (15 U.S.C. 18). The complaint alleges that the effect of the acquisition of DBS by Data Card may be substantially to lessen competition in the United States in the production and sale of automatically-fed, low-volume embossers without encoding capability (hereinafter "low-volume embossers"). Low-volume embossers are used primarily by hospitals to produce embossed plastic cards for patient identification. The complaint requests that Data Card be required to divest the AFI 1500/1600 embosser product line, which is part of the assets that it will acquire from DBS, and to continue until divestiture occurs to operate that product line as an active competitor in the market for low-volume embossers.

The United States and Data Card have stipulated that the proposed Final Judgment may be entered after compliance with the Antitrust Procedures and Penalties Act. Entry of the proposed Judgment will terminate the action, except that the Court will retain jurisdiction to construe, modify, and enforce the Judgment, and to punish violations of the Judgment.

#### II. Events Giving Rise to the Alleged Violation

Data Card and DBS entered into an agreement dated July 31, 1986, pursuant to which Data Card would acquire all the stock of DBS for \$52 million in cash. Data Card and DBS, which are both diversified companies, had 1985 sales of approximately \$104 million and \$105 million, respectively.

DBS, the largest United States seller of low-volume embossers, had 1985 sales of low-volume embossers in the United States of approximately \$6 million. Its AFI 1400 embosser accounted for approximately \$3.4 million of this total and its AFI 1600 embosser accounted for the remainder. Data Card, the fourth largest United States seller of low-volume embossers, sells only one low-volume embosser, its Model 300. Data Card had 1985 sales of approximately \$1.1 million in the United States low-volume embosser market. Total 1985 United States sales of low-volume embossers were approximately \$10 million.

The complaint alleges that the production and sale of low-volume embossers is a relevant product market for antitrust purposes and that the effect of the combination of the low-volume embosser businesses of Data Card and DBS pursuant to the proposed acquisition may be substantially to lessen competition in the United States in that market in violation of Section 7 of the Clayton Act.

Embossers are used to produce raised characters on plastic cards. Low-volume embossers produce 100-200 embossed cards per hour, sell for \$13-20,000, have automatic-feed mechanisms that feed blank cards from a hopper to the embossing mechanism, and are capable of operating on-line to a computer so that information can be fed directly from the computer to the embosser, but they are not capable of encoding machine-readable information onto magnetic stripes on cards. Low-volume embossers are differentiated from other types of embossers on the basis of price and performance.

Hospitals are the primary purchasers of low-volume embossers. They use the machines to produce embossed plastic cards for patient identification. When a patient is admitted, information from the hospital's computer is typically fed directly to the embosser, which produces an embossed plastic card containing the patient's name, sex, blood-type, room number, doctor's name, and other identifying information. The cards are used to imprint the patient information onto hospital documents, such as patient charts and multipart

forms for ordering tests and procedures. A small but significant nontransitory increase in the price of low-volume embossers would not cause purchasers of them to substitute other types of embossers or a means of data recording other than embossed plastic cards.

The complaint alleges that the production and sale of low-volume embossers in the United States is highly concentrated. In 1985, DBS accounted for approximately 59 percent of the low-volume embosser market and Data Card accounted for about 12 percent. Only two other firms sell low-volume embossers in the United States. The Herfindahl-Hirschman Index ("HHI"), a measure of market concentration, in the market for low-volume embossers is 4129. The acquisition of DBS by Data Card would increase the HHI by 1378 to 5507.

Successful new entry into the production and sale of low-volume embossers involves significant costs and time. Since the low-volume embosser market is relatively small and a substantial investment of time and money would be necessary to enter, a small but significant nontransitory price increase would not induce entry.

#### III. Explanation of the Proposed Final Judgment and its Anticipated Effects on Competition

The United States brought this action because the effect of the acquisition of DBS by Data Card may be substantially to lessen competition in violation of section 7 of the Clayton Act in the production and sale of low-volume embossers. The only anticompetitive effects associated with the merger would be eliminated if the AFI 1600 could be sold to a purchaser that would operate the business as an active and independent competitor in the manufacture and sale of low-volume embossers.

To this end, Section IV of the Final Judgment would require that by November 1, 1986, Data Card sell that portion of DBS's business relating to the AFI 1600. The assets that would have to be sold would include the exclusive rights to produce and sell the AFI 1600, as well as a related embosser, the AFI 1500, which is the same basic machine as the AFI 1600, except that it has a manual-feed mechanism. Data Card also would be required to divest the technology, inventory, vendor lists, and a list of the installed base for the AFI 1500 and the AFI 1600 and any equipment used on or with those machines. The divested assets are hereinafter referred to as "the AFI 1500/1600 product line."



Section IV also would require, unless the United States otherwise consents, that Data Card sell the AFI 1500/1600 product line to a purchaser that has the intent and capability to compete effectively in the production and sale of low-volume embossers to hospitals and other customers throughout the United States. Any purchaser of the product line must be approved by the United States.

If Data Card is unable to divest the AFI 1500/1600 product line by November 1, 1986, under Section V of the proposed Final Judgment, the Court would, at the request of the United States, appoint a trustee to sell the product line at the best price obtainable to a purchaser acceptable to the United States. Section V would provide a mechanism that should permit a trustee to be selected and appointed by November 1, 1986. Once a trustee has been appointed, only the trustee, and not Data Card, would have the right to sell the AFI 1500/1600 product line. Further, if a trustee is appointed, Data Card would be required to pay all of the trustee's expenses in selling the AFI 1500/1600 product line, and the trustee's commission would be structured to provide an incentive for it to complete the sale promptly.

Section VI of the proposed Final Judgment would provide the United States with an opportunity to review any proposed divestiture before it occurs. Under Section VI, the United States may request information from Data Card and the proposed purchaser to assess a proposed divestiture. If the United States requests such information from Data Card and the proposed purchaser, the divestiture may not be consummated until the United States certifies in writing that it is satisfied that Data Card and the proposed purchaser has provided the additional information. Data Card and the proposed purchaser may not consummate the divestiture until 20 days after they have supplied the information. If the United States were to object to a divestiture of the AFI 1500/1600 product line proposed under Section IV of the proposed Final Judgment, the divestiture could not be completed. If the United States were to object to a divestiture of the AFI 1500/1600 product line proposed under Section V, the divestiture could not be completed unless approved by the Court.

Until the divestiture required by the proposed Final Judgment is completed, Data Card would be required to continue to preserve the AFI 1500/1600

product line as an active competitor in the low-volume embosser market. Moreover, Data Card would be required to take all steps necessary to assure that proprietary technology and other proprietary business information relating to the AFI 1500/1600 product line is not used by Data Card to compete with the AFI 1500/1600 product line, except that Data Card can use such technology and information that it reasonably needs to enable it, along with the purchaser, to service previously installed units of the AFI 1500/1600.

Section IX of the proposed Final Judgment would require Data Card to provide the United States with periodic reports concerning the fact and manner of its compliance with the proposed Final Judgment, and Section X would allow the United States to obtain additional information and documents relating to Data Card's compliance with the proposed Final Judgment.

Section XI would require Data Card, upon request of the purchaser, to assist the purchaser in hiring and training a production staff, identifying competent vendors for parts, hiring and training a service staff, and identifying competent third parties to provide service for the AFI 1500/1600. Data Card would be required to make such assistance at cost.

Section XII would require Data Card, at the purchaser's option, to enter into a contract regarding service for products sold by the purchaser under rights it acquired pursuant to the divestiture. The contract would commit Data Card to providing service for the useful lives of any or all such products sold by the purchaser during a period up to four years following the divestiture, all at the purchaser's option. The service must be provided on a reasonable nondiscriminatory basis compared to the price Data Card charges for service on the Data Card 300 low-volume embosser.

Finally, Section XVII would provide that the Final Judgment would expire on the second anniversary of Data Card's completion of the required divestiture.

#### *IV. Remedies Available to Potential Private Litigants*

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorney fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any

private antitrust damage actions. Under provisions of section 5(a) of the Clayton Act (15 U.S.C. 16(a)), entry of the proposed Final Judgment would have no prima facie effect in any subsequent private lawsuit that may be brought against the defendant.

#### *V. Procedures Available for Modification of the Proposed Final Judgment*

The United States and Data Card have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the Antitrust Procedures and Penalties Act, provided that the United States has not withdrawn its consent. The Act conditions entry upon the Court's determination that the proposed Final Judgment is in the public interest.

The Act provides a period of at least sixty (60) days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wants to comment should do so within sixty (60) days of the date of publication of this Competitive Impact Statement in the *Federal Register*. The United States will evaluate the comments, determine whether it should withdraw its consent, and respond to the comments. The comments and the response of the United States will be filed with the Court and published in the *Federal Register*.

Written comments should be submitted to: P. Terry Lubeck, Chief Litigation II Section, Antitrust Division (700 Safeway), U.S. Department of Justice, Washington, DC 20530.

Under Section XV of the proposed Final Judgment, the Court would retain jurisdiction over this matter for the purpose of enabling the United States or Data Card to apply to the Court for such further orders or directions as may be necessary or appropriate for the construction, implementation, modification, or enforcement of compliance with the Judgment, or for the punishment of any violations of the Judgment.

#### *VI. Alternatives to the Proposed Final Judgment*

The proposed Final Judgment would provide all of the relief requested by the United States in its complaint in this civil action. The proposed Final Judgment would require Data Card to divest the AFI 1500/1600 product line by November 1, 1986. It also would assure



that the AFI 1500/1600 product line would remain an active competitor in the low-volume embosser market. Compliance by Data Card with the proposed Final Judgment and the completion of the divestiture required by the Judgment would resolve fully all of the competitive concerns raised by the proposed acquisition of DBS by Data Card. The United States could have obtained no better relief after a full trial on the merits.

The United States initially believed that to resolve the competitive concerns raised by the acquisition, either the entire low-volume embosser business of DBS, the AFI 1400 and 1600, or the entire low-volume embosser business of Data Card, the Model 300, should be divested. After further investigation of the competitive dynamics of the low-volume embosser market, the United States concluded that divestiture of the AFI 1600 would fully resolve the competitive concerns. The only other alternative considered to settling this action pursuant to the proposed Final Judgment was for the United States to file suit and seek a preliminary injunction to enjoin Data Card's acquisition of DBS until the AFI 1500/1600 product line had been completely divested. The United States rejected this alternative because substantial risk existed that a court might be reluctant to halt consummation of the entire merger because of a competitive problem posed by a small part of the entire business operations of the two companies. The court's reluctance to grant a preliminary injunction likely would have been substantially increased because of Data Card's willingness to divest the AFI 1500/1600 product line.

Under the circumstances, although the government believes that sound responses to these arguments exist, it determined that the public interest in preserving competition in the low-volume embosser market would be served best by obtaining Data Card's consent to an enforceable decree requiring it to divest the AFI 1500/1600 product line and by filing the decree with the Court prior to the consummation of any part of the proposed acquisition.

Although the proposed Final Judgment may not be entered until the criteria established by the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)-(h)) have been satisfied, the public will benefit immediately from the safeguards in the proposed Final Judgment because Data Card has stipulated to comply with the terms of the Judgment pending its entry by the Court. The United States believes that the overriding public

interest in having these enforceable safeguards in effect prior to consummation of any part of the proposed acquisition required that it not attempt to seek a preliminary injunction, and thereby avoid the risk that the acquisition might be permitted to go forward without any enforceable safeguards in effect.

#### VII. Determinative Documents

There were no documents determinative in the formulation of the proposed Final Judgment. Consequently, the United States has not attached any such documents to the proposed Final Judgment.

Dated: August 22, 1986.

Respectfully submitted,

Andrew D. Caverly,

Attorney, U.S. Department of Justice,  
Antitrust Division (700 Safeway),  
Washington, D.C. 20530 (202) 724-7974

[FR Doc. 86-20626 Filed 9-15-86; 8:45 am]

BILLING CODE 4410-01-M

#### DEPARTMENT OF LABOR

##### Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

**DATE:** Date, time and place: October 6, 1986, 2:00 p.m., Rm. S4215 A, B & C Frances Perkins, Department of Labor Building, 200 Constitution Avenue NW., Washington, DC 20210.

**Purpose:** To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act. The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

**FOR FURTHER INFORMATION, CONTACT:** Fernand Lavalley, Executive Secretary, Labor Advisory Committee, Phone: (202) 523-6565.

Signed at Washington, DC this 10th day of September, 1986.

Robert W. Searby,

Deputy Under Secretary, International Affairs.

[FR Doc. 86-20897 Filed 9-15-86; 8:45 am]

BILLING CODE 4510-28-M

#### Employment and Training Administration

##### Briamonte Embroidery Co. et al.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period August 25, 1986-August 29, 1986 and September 1, 1986-September 5, 1986.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

#### Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-16,794; Briamonte Embroidery Co., Fairview, NJ

TA-W-16,773; American Thread & Scallop Cutting Co., West New York, NJ

TA-W-16,917; Ranaudo Embroidery Co., Inc., West New York, NJ

TA-W-16,946; Top Stitch Embroidery Corp., Cliffside Park, NJ

TA-W-17,295; LTV Steel Co., Massillon Bar Plant, Massillon, OH

TA-W-16,924; Robinson Anton Textile, Fairview, NJ

TA-W-17,220; Wood Way Corp., Shelbyville, TN

TA-W-17,221; Wood Way Corp., Athens, AL

TA-W-17,222; Wood Way Corp., Hartselle, AL

TA-W-17,191; JEC Tanning Co., Peabody, MA

TA-W-16,838; Gina Embroidery Works, Inc., Fairview, NJ

TA-W-16,897; Marlene Embroidery, Inc., Fairview, NJ



TA-W-16,825; Exclusive Embroidery Frame Work Co., Union City, NJ  
 TA-W-16,939; Swisscraft Novelty Co., Inc., Fairview, NJ  
 TA-W-16,950; United States Schiffli Corp., Fairview, NJ  
 TA-W-17,234; Van Huffel Tube Corp., Warren, OH  
 TA-W-16,857; IS Embroidery, Inc., Fairview, NJ  
 TA-W-16,882; Lanor Embroidery Co., North Bergen, NJ  
 TA-W-16,887; Louis Felsen, Inc., West New York, NJ  
 TA-W-16,905; Naglieri Embroidery Corp., North Bergen, NJ  
 TA-W-16,959; Washington Embroidery, West New York, NJ  
 TA-W-16,840; Gonyou Embroidery, Union City, NJ  
 TA-W-16,877; June Embroidery Corporation, Union City, NJ  
 TA-W-16,943; Tiger Embroidery Works, Inc., West New York, NJ  
 TA-W-17,318; Clara Fashions, Newark, NJ  
 TA-W-17,306; Ecusta Corp., Watertown, SD  
 TA-W-16,886; Lorina Embroidery, Guttenberg, NJ  
 TA-W-16,865; Jacney Embroidery, Inc., West New York, NJ  
 TA-W-16,874; Joseph Shalhoub & Sons, Inc., West New York, NJ  
 TA-W-16,778; Arco Embroidery, Inc., Fairview, NJ  
 TA-W-16,779; Arista Embroidery Co., Fairview, NJ  
 TA-W-16,873; Joseph Rutz Embroidery, Guttenberg, NJ  
 TA-W-16,932; Simeron Textile, Inc., West New York, NJ  
 TA-W-17,111; Maremont Corp., Chickasha, OK  
 TA-W-17,192; John Fluke Mfg. Co., Inc., Everett, WA  
 TA-W-16,847; Haller Embroidery, Inc., Union City, NJ  
 TA-W-16,895; Mark Embroidery Co., Fairview, NJ  
 TA-W-16,788; Barbara Embroidery, North Bergen, NJ  
 TA-W-16,790; Beau Emblem Corp., North Bergen, NJ  
 TA-W-16,784; August Embroideries, Inc., Fairview, NJ  
 TA-W-16,818; Embassy Embroidery Corp., North Bergen, NJ  
 TA-W-16,823; Eveready Embroidery Inc., Jersey City, NJ  
 TA-W-16,830; Forest Emblem Corp., North Bergen, NJ  
 TA-W-16,831; Frank Gaetano Cutting Co., Fairview, NJ  
 TA-W-16,894; Mario de Luca Embroidery, Union City, NJ  
 TA-W-16,904; Morris Dolkart Embroidery, Fairview, NJ

TA-W-16,953; Vincent Embroidery Co., Inc., West New York, NJ  
 TA-W-17,176; St Marys Carbon Co., Inc., St Marys, PA  
 TA-W-16,819; Empact Div. of Artistic Indent. Systems, Guttenberg, NJ  
 TA-W-16,820; Empact Div. of Artistic Indent. Systems, Union City, NJ  
 TA-W-16,837; Geoffrey Embroidery, Fairview, NJ  
 TA-W-16,896; Mark Roberts Embroidery, North Bergen, NJ  
 TA-W-16,910; P&A Embroidery Co., West New York, NJ  
 TA-W-16,869; John Charles Embroidery, Carlstadt, NJ  
 TA-W-16,765; Admiration Embroidery/Nova Embroidery, Weehawken, NJ  
 TA-W-16,780; Aristocrat Embroidery, Guttenberg, NJ  
 TA-W-17,099; Reynolds Metals Co., Bauxite, AR  
 TA-W-17,088; Pacific Western Systems, Inc., Winnemucca, NV  
 TA-W-17,144; Magnetic Peripherals, Inc., Bloomington, MN  
 TA-W-17,145; Magnetic Peripherals, Inc., Burnsville, MN  
 TA-W-17,302; W.I. Forest Products L.P., Dover, ID  
 TA-W-17,230; The Liebert Corp., Sacramento, CA  
 TA-W-16,806; Culver Textile Corp., West New York, NJ  
 TA-W-16,855; Huff Embroidery, Union City, NJ  
 TA-W-16,868; Joel & Arnoff Inc., Ridgefield, NJ  
 TA-W-16,876; Jubilee Embroidery Corp., Woodridge, NJ  
 TA-W-16,885; London Yarn, West New York, NJ  
 TA-W-17,074; Tony Lama Co., Inc., El Paso, TX  
 TA-W-17,319; Fitzgerald Gaskets, Inc., Torrington, CT

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-17,424; All American Trucking, Gillette, WY

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,235; Alcoa Conductor Products Co., Vancouver, WA

Increased imports did not contribute importantly to workers' separations at the firm.

TA-W-17,235A; Vancouver Extrusion Co., Inc., Vancouver, WA

Increased imports did not contribute importantly to workers at the firm.

TA-W-17,304; Duquesne Light Co., Pittsburgh, PA

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,068; Daisy Sportswear, Inc., New York, NY

Criteria (3) not met. Sales up 1983-1984 and 1984-85. Shifted production to other domestic contractors.

TA-W-17,553; BBC Brown Boveri, Inc., Greensburg, PA

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-17,432; Nicor Drilling Co., Williston, ND

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,275; Lexie Coal Corp., Summersville, WV

Aggregate U.S. imports of bituminous steam coal are negligible.

TA-W-17,289; Sutex Paper & Cellulose Corp., Miami, FL

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,363; Patterson Drilling Co., Snyder, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,225; Dresser Industries, Inc., Ideco Div., Beaumont, TX

Aggregate U.S. imports of oil field machinery are negligible.

TA-W-17,390; Nicor Drilling Co., Rig 57, Campbell County, WY

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,427; BJM Drilling & Exploration, Inc., Midland, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,278; Southern Machinery Co., Greer, SC

Aggregate U.S. imports of textile slashing beaming, warping, etc. machines did not increase as required for certification.

TA-W-17,364; Penrod Drilling Co., Dallas, TX



The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,298; Raymond Schall Coal Co., Inc. & R.E. Schall Mining Co., Inc., Kittanning, PA

Aggregate U.S. imports of bituminous steam coal, bignite and anthracite are negligible.

TA-W-17,395; Donham Oil Tools Co., Watford City, ND

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-16,785; Aztex Embroidery Co., Fairview, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,903; Mohawk Embroidery Cin., Fairview, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,907; Navajo Embroidery Corp., Fairview, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-17,197; Allegheny Ludlum Steel Corp., Brackenridge, PA

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,864; J.O.S. Embroidery Corp., Guttenberg, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,801; Charles Grunberg & Sons Guttenberg, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,856; I & F Cutting Co., West New York, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,919; Rose Ann Embroidery Corp., Fairview, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-16,938; Supreme Embroidery, North Bergen, NJ

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-17,274; Lessona Corp., Div. of John Brown, Inc., Warwick, RI

Separations from the subject firm resulted from a transfer of production to another domestic facility.

TA-W-16,923; Robert Koch, Inc., Fairview, NJ

Evidence developed in the course of the investigation that the decline in production in the 1984-1985 comparative period was due to corporate consolidation of operation.

TA-W-17,292; Formica Corporation, Hialeah, FL

Imports did not contribute importantly to worker separations at the firm.

TA-W-17,312; Tonolli Corp., Nesquehoning, PA

Aggregate U.S. imports of refined and recovered lead did not increase as required for certification.

TA-W-17,291; ASARCO, Inc. Geophysical Dept., Salt Lake City, UT

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,333; Repco, Inc., Gilbert WV

Aggregate U.S. imports of coal are negligible.

TA-W-17,402; Otis Engineering Corp., Williston, ND

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,313; Beau-Tex Cartage, Inc., Beaumont, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,419; Grace Drilling Co., Bomac Div., Williston District, Williston, ND

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,408; McDay Drilling Co., Rigs 52, 56 and 59, Williston, ND

The investigation revealed that criterion (3) has not been met. The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,440; Dresser Atlas, Williston, ND

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,285; Moran Oil Producing & Drilling Corp., Hobbs, NM

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,421; Missouri Valley Perforating, Inc., Williston, ND

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-16,800; Century Embroidery Co., West New York, NJ

The investigation revealed that criterion (1) has not been met.

TA-W-17,226; Gould & Scammon, Inc., Auburn, ME

Imports of shoe counters is negligible.

TA-W-17,430; Forwest Drilling, Inc., Richland County, MT

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,434; Seminole Production Service, Seminole, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,401; Kenting Drilling Service, Inc. Williston, ND

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,727; E-Z Construction, Keene, ND

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,729; Al's Oilfield Service, Williston, ND

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.



**TA-W-17,730; BJ Titan Services Company, Marshall, TX**

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

**TA-W-17,737; Mon-Dak Exploration, Inc., Sidney, MT**

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

**TA-W-17,762 and TA-W-17,672A; Eagle Casing and Tubing, Williston, ND and Rock Springs, WY**

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

**TA-W-17,456; Wellpro Inc., Williston, ND**

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

**TA-W-17,466; Getter Trucking, Inc., Williston, ND**

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

**TA-W-17,468; Texas Flange, Inc., Odessa, TX**

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

**TA-W-17,475; Xco of Colorado, Inc., Denver, CO**

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

**TA-W-17,478; Mon-Dak Tank, Inc., Williston, ND**

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

**TA-W-17,479; Smith Energy Services, Golden, CO**

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

**TA-W-17,489; Williston Industrial Supply Corp., Williston, ND**

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

**TA-W-17,497; Pitman Casting, Williston, ND**

The workers' firm does not produce an article as required for certification

under section 222 of the Trade Act of 1974.

**TA-W-17,508; Noble Drilling Corp., Rock Mountain Div., Williston, ND**

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

**TA-W-17,515; Dowell Schlumberger, Inc., Williston, ND**

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

**TA-W-17,516; Gearhart Industries, Inc., Gillette, WY**

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

**TA-W-17,517; Gearhart Industries, Inc., Williston, ND**

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

**TA-W-17,521; Spartan Drilling and Workover Services, Sidney, MT**

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

**TA-W-17,524; Viking Mud Company, Inc., Littleton, CO**

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

**TA-W-17,525; Williston Tank Rental, Inc., Williston, ND**

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

**TA-W-17,529; Dual Drilling Company, Odessa, TX**

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

**Affirmative Determinations****TA-W-17,148; U.S. Repeating Arms Co., New Haven, CT**

A certification was issued covering all workers of the firm separated on or after January 17, 1985.

**TA-W-17,081; Cal Crest Outerwear, Murphysboro, IL**

A certification was issued covering all workers of the firm separated on or after October 11, 1985 and before December 11, 1985.

**TA-W-17,727; Harbison-Walker Refractories, Templeton, PA**

A certification was issued covering all workers of the firm separated on or after February 17, 1985 and before August 1, 1986.

**TA-W-17,842; Grove Embroidery Co., Inc., West New York, NJ**

A certification was issued covering all workers of the firm separated on or after November 25, 1984.

**TA-W-17,509; Royal China Co., Sebring, OH**

A certification was issued covering all workers of the firm separated on or after April 16, 1986.

**TA-W-17,235; Alcoa Incorporated, Alcoa Conductor Products Co., Vancouver Extrusion Co., Inc., Vancouver Operation, Vancouver, WA**

A certification was issued covering all workers of the firm separated on or after February 12, 1985.

**TA-W-17,315; Robertson Transformer Co., Valparaiso, IN**

A certification was issued covering all workers of the firm separated on or after May 1, 1985 and before August 30, 1986.

**TA-W-17,293; General Radiator Division, Mt. Vernon, IL**

A certification was issued covering all workers of the firm separated on or after February 25, 1985.

**TA-W-17,915; R&P Embroidery Co., Inc., West New York, NJ**

A certification was issued covering all workers of the firm separated on or after January 1, 1985.

**TA-W-17,826; Eyelet Embroidery, Edgewater, NJ**

A certification was issued covering all workers of the firm separated on or after January 1, 1985.

**TA-W-17,960; Windsor Coverlet Co., West New York, NJ**

A certification was issued covering all workers of the firm separated on or after August 1, 1985.

**TA-W-17,767; All American Emblem Corp., Fairview, NJ**

A certification was issued covering all workers of the firm separated on or after November 25, 1984.

**TA-W-17,805; Complete Thread & Scallop Corp., Fairview, NJ**

A certification was issued covering all workers of the firm separated on or after May 1, 1985.

**TA-W-17,198; Avon Knitting Mills, Farmingdale, NJ**

A certification was issued covering all workers of the firm separated on or after January 5, 1985 and before April 30, 1986.



**TA-W-17,263; Pantasote, Inc., Film Division, Passaic, NJ**

A certification was issued covering all workers of the firm separated on or after February 24, 1985.

**TA-W-17,273; Jayel Children's Wear, New York, NY**

A certification was issued covering all workers of the firm separated on or after June 1, 1985 and before December 31, 1985.

**TA-W-17,208; Zwicker Knitting Mill, Appleton, WI**

A certification was issued covering all workers of the firm separated on or after July 15, 1985.

**TA-W-17,323; Revere Copper & Brass, Inc., General Office, Rome, NY**

A certification was issued covering all workers of the firm separated on or after February 3, 1985.

**TA-W-17,290; American Cyanamid Co., Linden, NJ**

A certification was issued covering all workers engaged in employment related to the production of polyacrylamide and acrylamide separated on or after March 13, 1985.

**TA-W-17,168; Seamless Latex Division, Dart & Kraft Industries, Fayette, AL**

A certification was issued covering all workers of the firm separated on or after January 15, 1985 and before May 4, 1985.

**TA-W-17,345; St. Joe Resources Co., Mines Number 2, 3 and 4, The Balmat Mill, Balmat, NY, The Pierrepont Mine, Pierrepont, NY**

A certification was issued covering all workers of the firm separated on or after April 2, 1985.

**TA-W-17,205; Lewis Bolt and Nut Co., Minneapolis, MN**

A certification was issued covering all workers of the firm separated on or after January 27, 1985.

**TA-W-17,204; L.E. Smith Glass Co., Mt. Pleasant, PA**

A certification was issued covering all workers of the firm separated on or after January 26, 1985.

**TA-W-17,296; Miller Printing Equipment Corp., Pittsburgh, PA**

A certification was issued covering all workers of the firm separated on or after December 1, 1985.

**TA-W-16,786; R & D Embroidery Corp., West New York, NJ**

A certification was issued covering all workers of the firm separated on or after January 1, 1985.

**TA-W-16,925; Roblyn Embroidery, Inc., Cliffside Park, NJ**

A certification was issued covering all workers of the firm separated on or after January 1, 1985.

**TA-W-17,270; Forster Manufacturing Co., Inc., Mattawamkeag, ME**

A certification was issued covering all workers of the firm separated on or after January 1, 1985.

**TA-W-17,264; Robbins & Myers, Inc., Gallipolis, OH**

A certification was issued covering all workers of the firm separated on or after December 7, 1985.

**TA-W-17,279; Continental Steel Corp., Kokomo, IN**

A certification was issued covering all workers of the firm separated on or after February 29, 1985 and before August 1, 1986.

**TA-W-17,242; ASARCO, Inc., New Market Mine & Mill, New Market, TN**

A certification was issued covering all workers of the firm separated on or after November 1, 1985 and before August 1, 1986.

**TA-W-17,481; ASARCO, Inc., Zinc Oxide Plant, Columbus, OH**

A certification was issued covering all workers of the firm separated on or after May 15, 1985.

**TA-W-17,258; Arrow Women's Wear, Evergreen, AL**

A certification was issued covering all workers of the firm separated on or after September 1, 1985.

**TA-W-17,410; Travenol Laboratories, Inc., Hays, KS**

A certification was issued covering all workers of the firm separated on or after April 23, 1985 and before May 30, 1986.

**TA-W-17,164; Etonic, Inc., Auburn, ME**

A certification was issued covering all workers of the firm separated on or after May 1, 1985.

**TA-W-17,172; Hauser Products Co., Akron, OH**

A certification was issued covering all workers of the firm separated on or after January 28, 1986.

**TA-W-17,202; Endicott Johnson Corp., Endicott Johnson Imperial Plant, Owego, NY**

A certification was issued covering all workers of the firm separated on or after February 3, 1985.

**TA-W-17,189; Bethlehem Steel Corp., Bethlehem, PA**

A certification was issued covering all workers producing steel forgings separated on or after February 8, 1985 and before January 1, 1986.

**TA-W-16,720; Crystal Brands, Inc., Reading Distribution Operations, Allentown, PA**

A certification was issued covering all workers of the firm separated on or after

November 14, 1984 and before April 1, 1986.

**TA-W-16,714 and TA-W-16,715; Crystal Brands, Inc. Reading Distribution Operations Reading, PA**

A certification was issued covering all workers of the firm separated on or after November 14, 1984 and before April 1, 1986.

**TA-W-16,716, TA-W-16,717, TA-W-16,718, TA-W-16,719; Crystal Brands, Inc., Reading Distribution Operations, Laureldale, PA**

A certification was issued covering all workers of the firm separated on or after November 14, 1984 and before April 1, 1986.

**TA-W-17,185; American Motors Corp., Main & Lakefront Plants, Kenosha, WI**

A certification was issued covering all workers of the Main & Lakefront plants engaged in employment related to the production of the Alliance and Encore subcompact automobiles separated on or after January 17, 1985.

**TA-W-17,212; Centronics Data Computer Corp., Rochester, MI**

A certification was issued covering all workers of the firm separated on or after February 3, 1985.

**TA-W-17,165; General Electric Indicating Devices, Caguas, PR**

A certification was issued covering all workers of the firm separated on or after January 16, 1985 and before April 30, 1985.

**TA-W-17,104; American Cigar, Mountaintop, PA**

A certification was issued covering all workers of the Stripping and Making Department's separated on or after December 1, 1985.

**TA-W-17,231; Lundberg Industries, Ltd. (Formerly Potash Co. of America), Carlsbad, NM**

A certification was issued covering all workers of the firm separated on or after August 15, 1985.

**TA-W-17,268; Buxton, Inc., Agawam, MA**

A certification was issued covering all workers of the firm separated on or after October 1, 1985 and before May 31, 1986.

**TA-W-17,393; Dorr-Oliver, Inc., Hazleton, PA**

A certification was issued covering all workers of the firm separated on or after April 21, 1985.

**TA-W-17,389; Midland Ross Nel Unit, Burlington, WI**



A certification was issued covering all workers of the firm separated on or after December 1, 1985.

TA-W-17,297; Ohio Knife Co., Cincinnati, OH

A certification was issued covering all workers of the firm separated on or after March 13, 1985.

TA-W-17,288; Suave Shoe Corp., Miami Lakes, FL

A certification was issued covering all workers of the firm separated on or after February 24, 1985.

TA-W-17,317; Cascade Handle Co., Inc., Springfield, OR

A certification was issued covering all workers of the firm separated on or after March 26, 1985 and before December 15, 1985.

TA-W-17,262; Par-EX Shirts, Inc., Brantford, CT

A certification was issued covering all workers of the firm separated on or after February 17, 1985.

TA-W-17,261; H.K. Porter, Inc., Somerville, MA

A certification was issued covering all workers of the firm separated on or after March 7, 1985.

TA-W-17,200; Claremont Manufacturing Co., Jersey City, NJ

A certification was issued covering all workers of the firm separated on or after January 6, 1985 and before January 31, 1986.

TA-W-17,243; Carol Shoe Company, Div. Shaer Shoe Corp., Lowell, MA

A certification was issued covering all workers of the firm separated on or after August 1, 1985 and before February 28, 1986.

TA-W-17,378; Myrna Shoe Co., Div. Shaer Shoe Corp., Manchester, NH

A certification was issued covering all workers of the firm separated on or after December 1, 1985 and before July 31, 1986.

TA-W-17,324; Rockwell International Corp., Automotive Div., Allegan, MI

A certification was issued covering all workers of the firm separated on or after March 24, 1985.

TA-W-17,284; Kaiser Aluminum & Chemical Corp., Chemicals Division, Pryor, OK

A certification was issued covering all workers of the firm separated on or after October 1, 1985.

TA-W-17,183; Scovill, Inc., Victoria, VA

A certification was issued covering all workers of the firm separated on or after January 27, 1985.

TA-W-17,248; John L. Renninger, Quakertown, PA

A certification was issued covering all workers of the firm separated on or after February 21, 1985 and before December 15, 1985.

TA-W-17,255; Wismer Clothing Co., Silverdale, PA

A certification was issued covering all workers of the firm separated on or after February 21, 1985 and before May 20, 1985.

TA-W-17,314; Great Northern Paper Co., Millinocket, ME

A certification was issued covering all workers of the firm separated on or after March 10, 1985.

TA-W-17,209; Adelaar Brothers, Inc., New York, NY

A certification was issued covering all workers of the firm separated on or after February 5, 1985 and before February 28, 1986.

TA-W-17,267; Cornwall Industries, Inc., South Paris, ME

A certification was issued covering all workers of the firm separated on or after February 28, 1985.

TA-W-17,311; Samsonite Corp., Denver, CO

A certification was issued covering all workers of the firm engaged in employment related to the production of zinc alloyed hardware components separated on or after September 1, 1985 and before March 1, 1986.

TA-W-17,134; Shuron, Inc., Rochester, NY

A certification was issued covering all workers of the firm separated on or after December 14, 1985 and before April 28, 1986.

TA-W-17,251; Ramco Enterprises, Puyallup, WA

A certification was issued covering all workers of the firm separated on or after February 21, 1985 and before August 31, 1985.

TA-W-17,193; Minatola Industrial/Lepanto Garment, Lepanto, AR

A certification was issued covering all workers of the firm separated on or after January 17, 1985 and before November 29, 1985.

TA-W-17,271; Lady Manhattan, Scranton, PA

A certification was issued covering all workers of the firm separated on or after February 27, 1986.

TA-W-17,240 R & M Manufacturing Corp., Leominster, MA

A certification was issued covering all workers of the firm separated on or after February 2, 1985 and before September 5, 1985.

TA-W-17,310; Outboard Marine Corp., Evinrude Div., Milwaukee, WI

A certification was issued covering all workers of the firm separated on or after March 3, 1985.

I hereby certify that the aforementioned determinations were issued during the period August 25, 1986—August 29, 1986 and September 1, 1986—September 5, 1986. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: September 9, 1986.

Marvin M. Fooks,  
Director, Office of Trade Adjustment Assistance.

[FR Doc. 86-20898 Filed 9-15-86; 8:45 am]

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#### [TA-W-16,966]

#### CF&I Steel Corp., Pueblo, CO; Negative Determination Regarding Application for Reconsideration

By an application dated August 4, 1986, the company requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers at CF&I Steel Corporation, Pueblo, Colorado. The denial notice was published in the *Federal Register* on July 1, 1986 (51 FR 23853).

Pursuant to CFR § 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The company claims that its customers purchased imported steel pipe and tubing in an earlier time period and as a consequence did not need to purchase steel pipe and tubing from CF&I in 1985.

The claim of "inventoried imports" affecting production and sales in a later period would not provide a basis for certification. Imports of customers whether they are used, sold of inventoried are still counted as imports. Further, imports whether inventoried or



sold in a earlier time period, must still meet the *increased* import criterion and satisfy the contributed importantly test of the Group Eligibility Requirements set at Section 222 of the Trade Act of 1974. The Department has never collected customer inventory data. Also, the subject company did not import steel pipe and tubing during the applicable time period relevant to the investigation.

Sales, production and import data for 1983 and 1984 are beyond the scope of this investigation for workers at CF&I at Pueblo because of the time provisions established in the Trade Act. Section 223(b)(1) of the Trade Act does not permit the certification of workers separated more than one year prior to the December 10, 1985 petition date. Further, the findings show that average employment, sales and production of steel pipe and tubing increased substantially in the time period from 1983 to 1984 when the company claims that its customers were importing.

The Department's survey of CF&I's steel pipe and tubing customers which accounted for the major part of the subject firm's sales decline in 1985 compared to 1984 showed only one customer in 1985 which reduced its purchases from CF&I and increased its import purchases. This customer represented less than one percent of CF&I's sales decline of steel pipe and tubing. The Trade Act of 1974 specifically states that there must be *increased* imports of the articles produced by the worker's firm or appropriate subdivision and that they must contribute importantly to such declines in sales or production and employment.

#### Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 27th day of August 1986.

Carolyn M. Golding,

Director, Unemployment Insurance Services.  
[FR Doc. 20906 Filed 9-15-86; 8:45 am]

BILLING CODE 4510-30-M

#### [TA-W-16,813]

#### Distinctive Embroidery, Guttenberg, NJ; Termination of Investigation

Pursuant to section 221 of the Trade

Act of 1974, an investigation was initiated on December 16, 1985 in response to a worker petition received on December 6, 1985 which was filed by the United Textile Workers on behalf of workers at Distinctive Embroidery, Guttenberg, New Jersey. The workers produce embroidered goods.

The United Textile Workers of America, Local 211 representing the workers of Distinctive Embroidery requested by a letter dated July 7, 1986 the withdrawal of petition TA-W-16,813, accordingly the petition is withdrawn and no further investigation in the case is necessary.

Signed at Washington, DC this 25th day of August 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86-20901 Filed 9-15-86; 8:45 am]

BILLING CODE 4510-30-M

#### [TA-W-16,814]

#### Doering Embroidery Co., Fairview, NJ; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on December 16, 1985 in response to a worker petition received on December 6, 1985 which was filed by the United Textile workers on behalf of workers at Doering Embroidery Company, Fairview, New Jersey. The workers produce embroidered goods.

The United Textile workers of America, Local 211, representing the workers of Doering Embroidery Company, requested by a letter dated August 12, 1986 the withdrawal of petition TA-W-16,814, accordingly the petition is withdrawn and no further investigation in the case is necessary.

Signed at Washington, DC, this 25th day of August 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86-20903 Filed 9-15-86; 8:45 am]

BILLING CODE 4510-30-M

#### [TA-W-17,166]

#### General Electric Co., Hermetic Motor Division, Tiffin, OH; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of

labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on July 30, 1986, applicable to all workers of General Electric Company, Hermetic Motor Division, Tiffin, Ohio. The Notice of Certification was published in the *Federal Register* on August 12, 1986 (51 FR 28904).

Workers at General Electric Company's Hermetic Motor Division plant in Tiffin, Ohio were eligible for trade adjustment assistance under an earlier certification (TA-W-14,846) which expired on January 23, 1986. Therefore, the January 20, 1985 impact date in the subject certification is being changed to make it applicable to those workers whose separations from employment occurred on or after January 24, 1986.

The amended notice applicable to TA-W-17,166 is hereby issued as follows:

All workers of General Electric Company, Hermetic Motor Division, Tiffin, Ohio who became totally or partially separated from employment on or after January 24, 1986 and before May 15, 1986 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 4th day of September 1986.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 86-20908 Filed 9-15-86; 8:45 am]

BILLING CODE 4510-30-M

#### [TA-W-16,780]

#### Jolie Embroidery Corp., West New York, NJ; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on December 16, 1985 in response to a worker petition received on December 6, 1985 which was filed by the United Textile Workers on behalf of workers at the Jolie Embroidery Corporation, West New York, New Jersey. The workers produce embroidered goods.

The United Textile workers of America, Local 211, representing the workers of Jolie Embroidery Corporation, requested by a letter dated August 12, 1986 the withdrawal of petition TA-W-16,870, accordingly the petition is withdrawn and no further investigation in the case is necessary.



Signed at Washington DC 25th day of August 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86-20902 Filed 9-15-86; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-17,320]

**Lombardi Enterprise, Inc., Irvington, NJ; Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on April 7, 1986 in response to a worker petition received on April 1, 1986 which was filed by the International Ladies Garment Workers Union on behalf of workers at Lombardi Enterprise, Incorporated, Irvington, New Jersey.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC, this 25th day of August 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86-20904 Filed 9-15-86; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-16,912]

**Paula Embroidery Co., West New York, NJ; Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on December 16, 1985 in response to a worker petition received on December 6, 1985 which was filed by the United Textile Workers on behalf of workers at Paula Embroidery Company, West New York, New Jersey. The workers produce embroidered goods.

The United Textile Workers of America, Local 211 representing the workers of Paula Embroidery Company requested by a letter dated August 12, 1986 the withdrawal of petition TA-W-16,912, accordingly the petition is withdrawn and no further investigation in the case is necessary.

Signed at Washington, DC, this 25th day of August 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86-20905 Filed 9-15-86; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-16,986]

**Wilson Sporting Goods Co., Grand Rapids, MI; Amended Certification Regarding Eligibility to Apply For Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on July 25, 1986, applicable to all workers of Wilson Sporting Goods Company, Grand Rapids, Michigan. The Notice of Certification was published in the Federal Register on August 12, 1986 (51 FR 28904).

Based on additional information furnished to the Department by the company, workers were retained beyond the October 1, 1985 termination date in the certification to close down the plant. The intent of the certification is to cover all workers at the Grand Rapids, Michigan plant who were adversely affected because of increased import competition of golf clubs. The notice, therefore, is amended by providing a new termination date of August 18, 1986 to cover all workers at the Grand Rapids plant.

The amended notice applicable to TA-W-16,986 is hereby issued as follows:

All workers of Wilson Sporting Goods Company, Grand Rapids, Michigan who became totally or partially separated from employment on or after July 1, 1985 and before August 18, 1986 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 4th day of September 1986.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 86-20907 Filed 9-15-86; 8:45 am]

BILLING CODE 4510-30-M

**Young Trucking et al.; Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance**

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 26, 1986.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 26, 1986.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213.

Signed at Washington, DC this 29th day of August 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

**APPENDIX**

Petitioner Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Young Trucking (workers)	Corpus Christi, TX	8/11/86	8/6/86	TA-W-17,897	Disassembled, transported, and assembled oil rigs from one location to another.
Calton Petroleum Co. (company)	Natchez, MS	8/25/86	8/19/86	TA-W-17,898	Crude oil and natural gas.
Calton Petroleum Co. (company)	Oklahoma City, OK	8/25/86	8/19/86	TA-W-17,899	Crude oil and natural gas.
Calton Petroleum Co. (company)	Lafayette, LA	8/25/86	8/19/86	TA-W-17,900	Crude oil and natural gas.
Wilcox Energy Co. (company)	Natchez, MS	8/25/86	8/19/86	TA-W-17,901	Crude oil and natural gas.
Franks Casing Crews (workers)	Corpus Christi, TX	8/11/86	8/6/86	TA-W-17,902	Labor services connected pipe together that carry the oil for wells.
Conquest Exploration (workers)	Houston, TX	8/11/86	7/28/86	TA-W-17,903	Exploration of oil and gas.



## APPENDIX—Continued

Petitioner Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Resource Drilling, Inc. (workers)	Houston, TX	8/8/86	8/1/86	TA-W-17,904	Oil drilling.
Renco Drilling Co. (workers)	Carrizo Springs, TX	8/8/86	8/1/86	TA-W-17,905	Oil drilling.
Terrell Drilling (company)	Graysville, IL	8/18/86	8/13/86	TA-W-17,906	Oil drilling.
Baylor Company (workers)	Houston, TX	8/8/86	8/4/86	TA-W-17,907	Electro mechanical oilfield manufacturer.
American Pipe Inspection, Inc. (workers)	Houston, TX	8/21/86	8/14/86	TA-W-17,908	Inspect oil field tubular goods; mfg couplings.
Champlin Petroleum (workers)	Houston, TX	8/20/86	8/15/86	TA-W-17,909	Oil exploration & production of oil and gas.
Champlin Petroleum Co. (workers)	Corpus Christi, TX	8/11/86	7/30/86	TA-W-17,910	Explore and produce crude oil and natural gas.
Nacobar Group (workers)	Lake Charles, LA	7/31/86	7/16/86	TA-W-17,911	Combine and analyze barite/bentonit.
Bobs Casing Crews (workers)	Odessa, TX	8/13/86	8/6/86	TA-W-17,912	Running pipes on drilling rigs.
Smith Drilling Systems (workers)	Marion, OH	8/21/86	8/14/86	TA-W-17,913	Drilling equipment.
AJ Hunt, Inc. (workers)	Odessa, TX	8/18/86	8/10/86	TA-W-17,914	Oil drilling.
Black Gold Rental Tools (company)	Corpus Christi, TX	8/15/86	8/11/86	TA-W-17,915	Rent oil field tools.
Continental Products (workers)	Odessa, TX	8/23/86	8/13/86	TA-W-17,916	Oil refining chemicals.
Dresser Industries Security Div. (workers)	Dallas, TX	8/25/86	8/18/86	TA-W-17,917	Rockbits.
Safari Drilling (workers)	Abilene, TX	8/26/86	8/20/86	TA-W-17,918	Hole drilling for oil exploring.
Dakota Drilling (workers)	Bottineau, ND	8/18/86	8/13/86	TA-W-17,919	Oil drilling.
Gearhart Industries, Inc. (workers)	Corpus Christi, TX	8/11/86	8/5/86	TA-W-17,920	Run electronic surveys on pre-drilled oil wells.
Houston Offshore Int'l (company)	Houston, TX	8/25/86	8/15/86	TA-W-17,921	Oil and gas exploration and drilling.
Arapahoe Drilling Co., Inc. (workers)	Albuquerque, NM	8/25/86	8/18/86	TA-W-17,922	Oil and gas drilling.
Bibbins & Rice (workers)	Morgan City, LA	8/5/86	7/31/86	TA-W-17,923	Communication and navigational equipment.
LTV Steel Tubular Products Company (USWA)	Youngstown, OH	8/25/86	8/22/86	TA-W-17,924	Carbon and alloy pipe and tube products.
American Valve Mfg Co. (company)	Coxsackie, NY	8/29/86	8/26/86	TA-W-17,925	Bronze and iron valves for use in home plumbing and commercial plumbing.
Central Texas Iron Workers (workers)	Abilene, TX	8/5/86	7/28/86	TA-W-17,926	Structural steel fabrication.
U.S. Steel Corp. Lorain Works (workers)	Lorain, OH	8/22/86	8/15/86	TA-W-17,927	Cold rolled carbon steel strip, carbon steel wire rod, carbon steel wire and wire products pipe and tubing.
Lionga Pacific, Inc. (workers)	Tacoma, WA	8/19/86	8/14/86	TA-W-17,928	Wood molding, siding and panelling.
Reserve Mining Co. (workers)	Babbitt, MN	7/21/86	7/14/86	TA-W-17,929	Taconite ore pellets.
Laconia Shoe Co. Inc. (workers)	Laconia, NH	8/25/86	8/21/86	TA-W-17,930	Mens casual shoes.
Suburban Power Piping Corp. (Pipe Fitters)	Cleveland, OH	8/15/86	8/14/86	TA-W-17,931	Mechanical contractors, fabricated pipe.
FMC Corp., Construction Equip. Group (workers)	Bowling Green, KY	8/5/86	7/31/86	TA-W-17,932	Rubber tired and crawler type cable cranes.
Harter Corp. (workers)	Sturgis, MI	8/21/86	8/14/86	TA-W-17,933	Wood and metal office chairs.
Texasgulf, Inc. (company)	Moab, UT	8/18/86	8/12/86	TA-W-17,934	Potash.
AT & T Information Systems (CWA)	Austin, TX	7/31/86	7/28/86	TA-W-17,935	Selling telephone sets & other related items.
ComGen Technology (workers)	Dayton, OH	8/20/86	8/15/86	TA-W-17,936	Automotive radar detectors, citizen band radios.
Custom Cable, Inc. (workers)	St. Joseph, MO	8/19/86	8/14/86	TA-W-17,937	Wiring harnesses and connectors for use in computers.
Laredo Packing Co. (workers)	Laredo, TX	8/25/86	8/19/86	TA-W-17,938	Slughter and bone beef for sale.
BremCo Industries (workers)	Bremen, OH	8/25/86	7/26/86	TA-W-17,939	Oil storage tanks.
Goodyear Tire & Rubber, Akron Metal Products Div. (URW)	Akron, OH	8/11/86	8/7/86	TA-W-17,940	Off-highway vehicle wheels and rims.
Timken Co. (USWA)	Columbus, OH	8/22/86	8/10/86	TA-W-17,941	Tapered roller bearings and railroad car bearings.
Pico Products (workers)	Liverpool, NY	8/14/86	8/11/86	TA-W-17,942	Cable TV electronic components.
Domenico, Inc. (workers)	Lynn, MA	8/5/86	7/29/86	TA-W-17,943	Ladies blazers and skirts.
Hy-zena, Inc. (workers)	New York, NY	8/25/86	8/20/86	TA-W-17,944	Mens jackets and vests.
Modern Jacket Co. (company)	St. Louis, MO	8/25/86	8/20/86	TA-W-17,945	Men's jackets.
Irene Fashions (workers)	Hazleton, PA	8/6/86	7/14/86	TA-W-17,946	Ladies knit tops.
Wolverine World Wide Inc. (workers)	Ithaca, MI	8/22/86	8/11/86	TA-W-17,947	Men's hush puppies.
Stratojac Corp. (workers)	Hamid, IN	8/18/86	8/13/86	TA-W-17,948	Mens outerwear.
Sunset Mfg Co. (ILGWU)	Pottstown, PA	8/20/86	8/20/86	TA-W-17,949	Ladies sportswear and uniforms.
Acme Boot Co. (workers)	Waverly, TN	8/25/86	8/20/86	TA-W-17,950	Mens dress boots and womens "Acme" boots.
Levi Strauss (ACTWU)	Wynne, AR	8/22/86	8/18/86	TA-W-17,951	Mens slacks.
Levi Strauss (ACTWU)	Little Rock, AR	8/22/86	8/18/86	TA-W-17,952	Mens slacks.
Penn Footwear (UFCW)	Nanticoke, PA	8/6/86	7/14/86	TA-W-17,953	Childrens shoes.
Eddie Bauer, Inc. (workers)	Puyallup, WA	8/18/86	8/12/86	TA-W-17,954	Womens outerwear, headwear, shoes etc and mens.
Penn Allen, Inc. (workers)	Hazleton, PA	8/8/86	7/15/86	TA-W-17,955	Womens sportswear.
Erie Mining Co. (USWA)	Hoyt Lakes, MN	5/13/86	5/9/86	TA-W-17,956	Iron ore and iron ore pellets.

[FR Doc. 86-20899 Filed 9-15-86; 8:45 am]

BILLING CODE 4510-30-M

## POSTAL SERVICE

## Changes in INTELPOST Service Rates and Fees

AGENCY: Postal Service.

ACTION: Notice.

**SUMMARY:** The Postal Service has adopted its proposal of August 13, 1986 for: (1) New INTELPOST Service rates and fees; and (2) Simplifying the special handling and delivery fee structure. The new rate is \$10 for the first page of a document and \$6 for the second and each additional page. The simplified

special handling and delivery fee of \$5 does not vary from country to country.

**EFFECTIVE DATE:** September 30, 1986.

**FOR FURTHER INFORMATION CONTACT:** Leon W. Perlmann, (202) 268-2673.

**SUPPLEMENTARY INFORMATION:** INTELPOST Service is the fastest international postal service for documents, in which the exchange of mail between U.S. and foreign post offices is accomplished by means of electronic facsimile technology. A detailed description of the service is published in Notice 82A, the U.S. Postal Service's "INTELPOST Directory and User's Guide" (September 1985).<sup>1</sup>

<sup>1</sup> This document may be obtained either by writing the Office of Marketing, Market Development Division, U.S.P.S. Headquarters, 475 L'Enfant Plaza West SW., Washington, DC 20260-6331, or by calling that Division at (202) 268-2275.

A more detailed explanation of the new INTELPOST rates and rate structure accompanied the notice of the proposed rates and rate structure published in the Federal Register on August 13, 1986 at 51 FR 29027. No comments were received. Since the new rates will bring the revenues for INTELPOST Service more into line with costs and make it more convenient for customers to use INTELPOST Service, the proposal has been adopted.

(39 U.S.C. 401, 403, 404, 407, 410)

Fred Eggleston,  
Assistant General Counsel, Legislative  
Division.

[FR Doc. 86-20877 Filed 9-15-86; 8:45 am]

BILLING CODE 7710-12-M



**SMALL BUSINESS ADMINISTRATION****[Declaration of Disaster Loan #2247; Amendment #1]****Wisconsin**

The above-numbered Declaration (51 FR 30287), issued in accordance with the President's declaration of August 14, 1986, is hereby amended in accordance with an amendment from the Federal Emergency Management Agency to include the adjacent County of Waukesha due to severe storms which occurred on August 6, 1986. All other information remains the same; i.e., the termination date for filing application for physical damage is the close of business on October 13, 1986, and for economic injury until the close of business on May 15, 1987.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: September 5, 1986.

Bernard Kulik,

*Deputy Associate Administrator for Disaster Assistance.*

[FR Doc. 86-20836 Filed 9-15-86; 8:45 am]

BILLING CODE 8025-01-M

**Reporting and Recordkeeping Requirements Under OMB Review**

**ACTION:** Notice of reporting requirements submitted for review.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the *Federal Register* notifying the public that the agency has made such a submission.

**DATE:** Comments should be submitted on or before October 7, 1986. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Copies of forms, request for clearance (S.F. 83s), supporting statements, instructions, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

**FOR FURTHER INFORMATION CONTACT:**

Agency Clearance Officer: Elizabeth M. Zaic, Small Business Administration, 1441 L Street, NW., Room 200, Washington, DC 20416, Telephone: (202) 653-6623.

OMB Reviewer: Patricia Aronsson, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building,

Washington, DC 20503, Telephone: (202) 395-7231.

Title: Certified Development Company Annual Report Guide

Form nos. SBA 1253, 1253A

Frequency: Annually

Description of Respondents: The Annual Report Guide is used to obtain information from the certified development company about their financial condition, the impact of their assistance to small businesses and a summary on the status of its portfolio and data which ensures that the membership and operations are consistent with the intent of the program.

Annual Responses: 550

Annual Burden Hours: 1,100

Type of Request: Revision

Title: 7(j) Monitoring: Client/Awardee's Record on Assistance Rendered

Form no. SBA 1524

Frequency: Upon completion of service rendered

Description of Respondents: This form is completed by clients and awardees under the 7(j) Management and Technical Assistance Program. Data will be used to evaluate services provided and to identify significant issues and problems developed as a result of assistance.

Annual Responses: 4,000

Annual Burden Hours: 4,000

Type of Request: New

Title: Disaster Business Loan Application

Form nos. SBA 5, 739A, 1368

Frequency: On occasion

Description of Respondents: The information gathered from these forms provides SBA with facts necessary to determine eligibility and credit worthiness of business applicants for disaster assistance.

Annual Responses: 12,000

Annual Burden Hours: 50,000

Elizabeth M. Zaic,

*Deputy Director, Office of Administrative Services, Small Business Administration.*

[FR Doc. 86-20835 Filed 9-15-86; 8:45 am]

BILLING CODE 8025-01-M

**DEPARTMENT OF TRANSPORTATION****Office of Hearings**

[Docket No. 43940]

**Galaxy Airlines, Inc., Continuing Fitness Investigation; Assignment of Proceeding**

September 11, 1986

This proceeding has been assigned to Administrative Law Judge John M. Vittone. Future communications with respect to this proceeding should be

addressed to him at U.S. Department of Transportation, Office of Hearings, M-50, Room 9400A, Nassif Bldg., 400 7th Street, SW., Washington, DC 20590, telephone (202) 366-2142.

Dated: Washington, DC, September 11, 1986.

Elias C. Rodriguez,

*Chief Administrative Law Judge.*

[FR Doc. 86-20893 Filed 9-15-86; 8:45 am]

BILLING CODE 4910-62-M

**Federal Aviation Administration****Proposed Advisory Circular—Use of SAE Class H11 Bolts**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed Advisory Circular 20-XX and request for comments.

**SUMMARY:** This notice announces the availability of and requests comments on a proposed advisory circular (AC) which provides guidance information on the use of SAE Class H11 bolts in primary structure on all aircraft, including gliders and manned free balloons, and on aircraft engines and propellers.

**DATES:** Comments must be received on or before December 15, 1986.

**ADDRESS:** Send all comments on the proposed AC to: Federal Aviation Administration, Attention: Transport Standards Staff, ANM-110, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Patricia Siegrist, Transport Standards Staff, at the above address, telephone (206) 431-2126.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

A copy of the AC may be obtained by contacting the person named above under "FOR FURTHER INFORMATION CONTACT." Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Commenters must identify the subject of the AC and submit comments in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Transport Standards Staff before issuing the final AC.



**Discussion**

The service history of SAE Class H11 bolts used in primary structure indicates a higher than normal failure rate. Failures are usually attributed to stress corrosion cracking and can become a safety problem. These bolts are also more sensitive to environmental influence than bolts made from other materials. The proposed AC provides guidance on the use of H11 bolts and nuts and also gives examples of acceptable substitutes.

Issued in Seattle, Washington on August 28, 1986.

Leroy A. Keith,

Manager, Aircraft Certification Division  
Northwest Mountain Region.

[FR Doc. 86-20818 Filed 9-15-86; 8:45 am]

BILLING CODE 4910-13-M

**Proposed Advisory Circular—System Design Analysis**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed revision to Advisory Circular (AC) 25.1309-1, and request for comments.

**SUMMARY:** This notice announces the availability of and requests comments on a proposed revision to an advisory circular which discusses some acceptable approaches which may be used in assessing systems, equipment and installations in accordance with § 25.1309(d) to show that the overall design safety objectives of § 25.1309(b) are met. This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC.

**DATES:** Comments must be received on or before December 15, 1986.

**ADDRESS:** Send all comments on the proposed AC to: Federal Aviation Administration, Attention: Transport Standards Staff, ANM-110, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Jan Thor, Transport Standards Staff, at

the address above, telephone (206) 431-2127.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

A copy of the draft AC may be obtained by contacting the person named above under "FOR FURTHER INFORMATION CONTACT." Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Commenters should identify AC 25.1309-1 and submit comments in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Transport Standards Staff before issuing the final AC.

**Background**

There have been certain areas of misunderstanding relating to the proper application of § 25.1309(b) and (d) which are not adequately addressed in the existing AC 25.1309-1. This proposed revision to AC 25-1309-1 is intended to provide adequate guidance in these areas.

Issued in Seattle, Washington, on September 3, 1986.

Leroy A. Keith,

Aircraft Certification Division, ANM-100.

[FR Doc. 86-20819 Filed 9-15-86; 8:45 am]

BILLING CODE 4910-13-M

**Federal Highway Administration****Environmental Impact Statement: Shelby County, Tennessee**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed project in Shelby County, Tennessee.

**FOR FURTHER INFORMATION CONTACT:** Mr. Wright B. Aldridge, Jr., Community Planner, Federal Highway Administration, Federal Building, U.S. Courthouse, 801 Broadway, Suite A-926, Nashville, Tennessee 37203, Telephone (615) 736-7106.

**SUPPLEMENTAL INFORMATION:** The FHWA in cooperation with the Tennessee Department of Transportation will prepare an environmental impact statement (EIS) on a proposal to construct a six lane facility with a center turning lane or raised median from Split Oak Drive to Stage Road and an extension of Sycamore View Road from Mullins Station Road to Kirby Parkway in Memphis, Shelby County, Tennessee. It would consist of widening some existing roadway sections and some construction on new location. The proposed improvements would leave a total length of approximately 11.3 miles. Improvements to the corridor are considered necessary to provide for both present and projected traffic needs.

Options under consideration include (1) taking no action; (2) reduced facility design; and (3) constructing a six traffic lane roadway.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, state, and local agencies at a future date. A public hearing will be held at a future date. Public notice will be given of the time and place of this hearing. The draft EIS will be available for public and agency review and comment. These activities are providing input regarding the scope of the EIS.

To insure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and suggestions concerning the proposed action and the EIS should be directed to the FHWA at the address provided above. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of Executive order 12372 regarding state and local clearinghouse review of federal and federally assisted programs and projects apply to this program).

Issued On: September 8, 1986.

Wright B. Aldridge, Jr.,

Community Planner, Tennessee Division,  
Nashville, Tennessee.

[FR Doc. 86-20876 Filed 9-15-86; 8:45 am]

BILLING CODE 4910-22-M



# Sunshine Act Meetings

Federal Register

Vol. 51, No. 179

Tuesday, September 16, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## CONTENTS

Federal Reserve System.....	1
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### 1

#### FEDERAL RESERVE SYSTEM

Board of Governors

**TIME AND DATE:** 12:00 Noon, Monday, September 22, 1986.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

**STATUS:** Closed.

#### MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: September 12, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-21045 Filed 9-12-86; 4:00 pm]

BILLING CODE 6210-01-M

### 2

#### INTERSTATE COMMERCE COMMISSION

**TIME AND DATE:** 10:00 a.m., Tuesday, September 23, 1986.

**PLACE:** Hearing Room A, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, DC 20423.

**STATUS:** Open Special Conference.

#### MATTERS TO BE DISCUSSED:

Ex Parte No. 387—

*Railroad Transportation Contracts*  
(proposal by the National Grain and Feed Association and the Association of American Railroads);

Ex Parte No. 393 (Sub-No. 1)—  
*Standards For Railroad Revenue Adequacy.*

#### CONTACT PERSON FOR MORE

**INFORMATION:** Alvin H. Brown, Office of Legislative and Public Affairs, Telephone: (202) 275-7252.

Noreta R. McGee,

Secretary.

[FR Doc. 86-20993 Filed 9-12-86; 12:47 pm]

BILLING CODE 7035-01-M

### 3

#### OVERSEAS PRIVATE INVESTMENT CORPORATION

Meeting of the Board of Directors

**TIME AND DATE:** 9:00 a.m. (closed portion), 10:30 a.m. (open portion) Tuesday, September 23, 1986.

**PLACE:** Offices of the Corporation, fourth floor Board Room, 1615 M Street NW., Washington, DC

**STATUS:** The first part of the meeting from 9:00 a.m. to 10:30 a.m. will be closed to the public. The open portion of the meeting will start at 10:30 a.m.

**MATTERS TO BE CONSIDERED:** (Closed to the public 9:00 a.m. to 10:30 a.m.):

1. Finance Project in South Asian Country.
2. Finance Project in Near Eastern.
3. Finance Project in Caribbean Country.
4. Finance Project in South American Country.
5. Insurance Project in Middle East Country.
6. Insurance Project in East Asian Country.
7. OPIC Privatization.
8. Acquisition of Existing Shares of the Foreign Enterprise.
9. Claims Report.
10. China Projects: Status Report.

**FURTHER MATTERS TO BE CONSIDERED:** (Open to the public 10:30 a.m.)

1. Approval of the Minutes of the Previous Board Meeting.
2. Approval of Proposed Regular Meetings of the Board.
3. Public Hearing.
4. Information Reports.

#### CONTACT PERSON FOR INFORMATION:

Information with regard to the meeting may be obtained from the Secretary of the Corporation at (202) 457-7007.

Mildred A. Osowski,

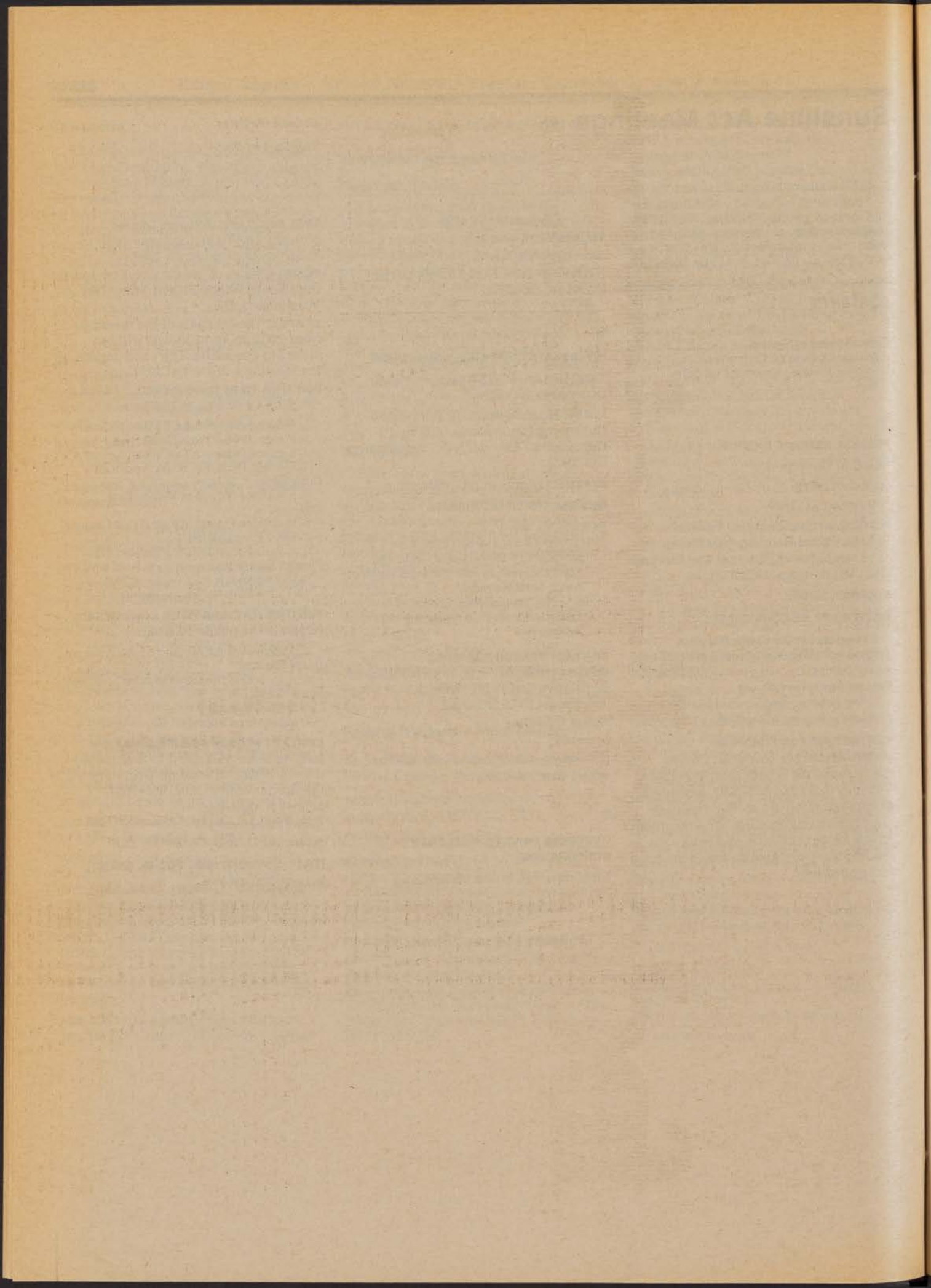
Corporate Secretary.

September 11, 1986.

[FR Doc. 86-20911 Filed 9-11-86; 4:59 pm]

BILLING CODE 3210-01-M







Environmental Protection Agency

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Tuesday  
September 16, 1986

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**Part II**

**Environmental  
Protection Agency**

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**40 CFR Part 50**

**National Ambient Air Quality Standards:  
Review of Criteria and Standards for  
Particulate Matter; Proposed Rule and  
Science Advisory Board Open Meeting;  
Notice**



**ENVIRONMENTAL PROTECTION  
AGENCY****40 CFR Part 50****[AD-FRL-3079-7]****National Ambient Air Quality  
Standards: Review of Criteria and  
Standards for Particulate Matter****AGENCY:** Environmental Protection  
Agency (EPA).**ACTION:** Closing of public comment  
period.

**SUMMARY:** On July 3, 1986 (51 FR 24392) EPA announced a supplemental comment period on the proposed revisions to the national ambient air quality standards (NAAQS) for particulate matter (49 FR 10408, March 20, 1984). Today's notice announces the closing date of this supplemental comment period.

**DATES:** Written comments on the implications, if any, of the particulate matter studies discussed in the external review draft of the criteria document addendum entitled "Second Addendum to Air Quality Criteria for Particulate Matter and Sulfur Oxides (1982): Assessment of Newly Available Health Effects Information" and in the draft particulate matter staff paper addendum for the proposed revisions to the NAAQS for particulate matter must be received by the close of business on November 17, 1986. Written comments on the draft particulate matter staff paper addendum itself will also be accepted through November 17, 1986.

**ADDRESSES:** Comments (duplicate copies preferred) should be submitted to the U.S. Environmental Protection Agency, Central Docket Section (A-130), West Tower Lobby, Gallery 1, Attn: Docket No. A-82-37, 401 M Street, SW., Washington, DC 20460. Docket number A-82-37 is located in the Central Docket Section at the U.S. Environmental Protection Agency, West Tower Lobby, Gallery 1, 401 M Street, SW., Washington, DC. The Docket may be inspected between 8:00 a.m. and 3:00 p.m. on weekdays, and a reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Mr. John H. Haines, Strategies and Air Standards Division, Office of Air

Quality Planning and Standards (MD-12), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Telephone (919) 541-5531, (FTS) 629-5531.

**SUPPLEMENTARY INFORMATION:** In 1982, EPA's Environmental Criteria and Assessment Office (ECAO) completed preparation of a revised criteria document, Air Quality Criteria for Particulate Matter and Sulfur Oxides (EPA-600/8-82-029aF, bF, and cF). In that same year, EPA's Office of Air Quality Planning and Standards completed preparation of staff papers to assess the implications of the revised criteria for the review, and possible revision, of the NAAQS for particulate matter (EPA-450/5-82-001) and for sulfur oxides (EPA-450/5-82-007). On March 20, 1984 (49 FR 10408), EPA proposed revisions of the particulate matter standards and formally issued the criteria document.

On April 1, 1986 (51 FR 11058), EPA announced plans to prepare addenda to the criteria document and the staff papers. The addendum to the criteria document was to summarize pertinent health effects studies that had been published since the completion of the criteria document in 1982. The addenda to the staff papers were to assess the implications, if any, of these studies for the NAAQS for particulate matter and sulfur oxides.

In the April 1 announcement, the Agency stated that it did not intend for these addenda to reexamine all of the available health effects information or related issues that have already been addressed in the criteria document and the staff papers for particulate matter and sulfur oxides. Rather, the addenda were to focus on a limited set of more recent scientific studies, including some identified in the particulate matter proposal, that might have implications for decisions on the proposed revisions to the NAAQS for particulate matter and for the review of the NAAQS for sulfur oxides. A complete list of the studies examined is presented in the external review draft of the criteria document addendum.

The EPA completed an external review draft of the criteria document addendum and announced on July 3, 1986 (51 FR 24392) its availability for public review and that the comment

period on the draft criteria document addendum would close on September 5, 1986. In the same notice, EPA announced that the draft criteria document addendum together with the drafts of the associated staff paper addenda would be reviewed by the Clean Air Scientific Advisory Committee (CASAC) at a public meeting planned for October. A separate notice in today's **Federal Register** announces the availability of the draft staff paper addenda for both particulate matter and sulfur oxides, as well as the details concerning the CASAC review meeting, which has been scheduled for October 15-16, 1986.

In the July 3, 1986 notice the Agency also announced that it was reopening the public comment period on the proposed revisions to the national ambient air quality standards for particulate matter in order to provide appropriate public as well as scientific review. The reopening of the comment period was for the limited purpose of taking comments on the implications, if any, of the particulate matter studies addressed in the draft criteria document and particulate matter staff paper addenda for decisions on the proposed revisions. To permit consideration of the views and recommendations of CASAC, the comment period was to remain open for 30 days after the October CASAC meeting. Today's notice announces that this comment period will close on November 17, 1986.

As indicated in the companion notice, any comments on the implications, if any, of the sulfur oxides studies addressed in the draft criteria document and sulfur oxides staff paper addenda for the review of the national ambient air quality standards for sulfur oxides should be segregated and submitted separately from those pertaining to particulate matter. Such comments should be sent to the Central Docket Section, attention docket number A-79-28, at the address given above by November 17, 1986.

Dated: September 5, 1986.

**Don R. Clay,**

*Acting Assistant Administrator for Air and  
Radiation.*

[FR Doc. 86-20747 Filed 9-15-86; 8:45 am]

**BILLING CODE 6560-50-M**



**ENVIRONMENTAL PROTECTION AGENCY****[SAB-FRL-3079-8]****Science Advisory Board, Clean Air Scientific Advisory Committee; Open Meeting**

**SUMMARY:** Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given of a public meeting of the Clean Air Scientific Advisory Committee (CASAC) of the Environmental Protection Agency's (EPA) Science Advisory Board. The meeting will be held October 15-16, 1986, starting at 9:00 a.m. on October 15 and ending at approximately 5:00 p.m. on October 16. The meeting will be held at the U.S. EPA, Environmental Research Center, Main Auditorium, Route 54 and Alexander Drive, Research Triangle Park, North Carolina.

The purpose of the meeting is to allow the Committee to review and provide its advice to the Agency on: (1) The July 1986 external review draft of EPA's "Second Addendum of Air Quality Criteria for Particulate Matter and Sulfur Oxides (1982): Assessment of Newly Available Health Effects Information", and (2) the draft addenda to the staff papers for particulate matter and sulfur oxides.

Supplementary Information: Copies of the external review draft of the criteria

document addendum entitled "Second Addendum to Air Quality Criteria for Particulate Matter and Sulfur Oxides (1982): Assessment of Newly Available Health Effects Information" (EPA/600/8-86-020A) may be obtained by writing or calling the U.S. Environmental Protection Agency, Center for Environmental Research Information (CERI), ORD Publications Office, 26 West St. Clair Street, Cincinnati, Ohio 45268, Telephone (513) 569-7562, (FTS 684-7562). Copies of the draft staff paper addenda for particulate matter and for sulfur oxides may be obtained by writing or calling Mr. John H. Haines, Strategies and Air Standards Division, Office of Air Quality Planning and Standards (MD-12), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Telephone (919) 541-5531, (FTS) 629-5531.

Written comments on the staff paper addenda will be accepted through November 17, 1986 (duplicate copies preferred). Comments on the draft particulate matter staff paper addendum should be submitted to the Central Docket Section (A-130), Environmental Protection Agency, Attn: Docket No. A-82-37, 401 M Street SW., Washington, DC 20460. Comments on the draft sulfur oxides staff paper addendum should be segregated from those pertaining to particulate matter and submitted separately to the Central Docket

Section, Attn: Docket No. A-79-28. Docket numbers A-82-37 and A-79-28 are located in the Central Docket Section at the U.S. Environmental Protection Agency, West Tower Lobby, Gallery I, 401 M Street SW., Washington, DC. The Dockets may be inspected between 8:00 a.m. and 3:00 p.m. on weekdays, and a reasonable fee may be charged for copying.

For Further Information: Any member of the public wishing further information concerning the meeting, or desiring to provide comments to the Committee should contact Mr. Robert Flaak, Executive Secretary, Clean Air Scientific Advisory Committee (CASAC), Science Advisory Board (A-101-F), U.S. Environmental Protection Agency, Washington, DC 20460. Telephone (202) 382-2552; (FTS 383-2552). Persons wishing to make brief oral presentations at the meeting are reminded that availability of time for presentations will be severely limited due to the busy agenda. Such persons must contact Mr. Flaak no later than the close of business on October 7, 1986 in order to reserve space on the agenda.

Dated: August 27, 1986.

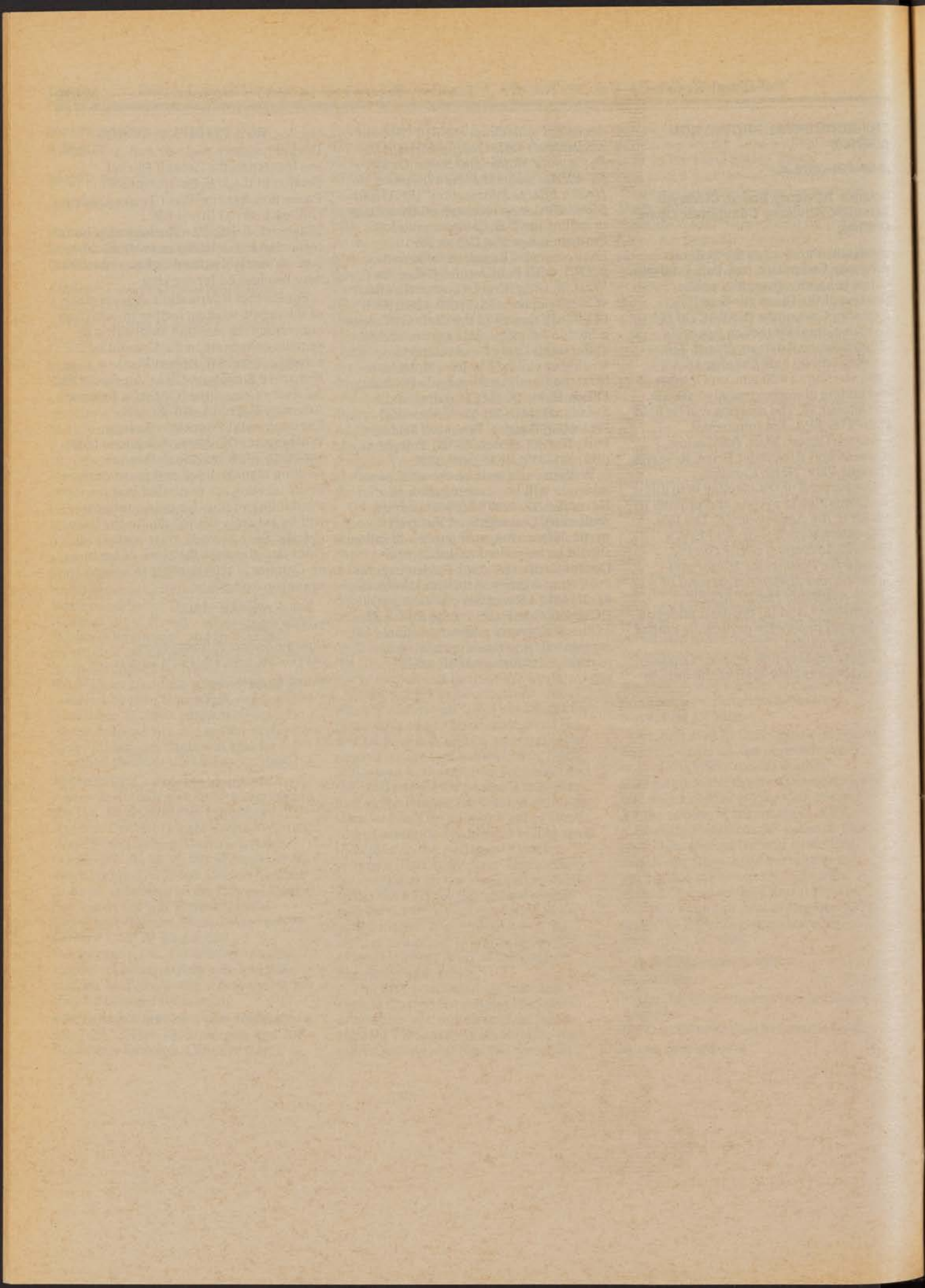
**Terry F. Yosie,**

*Director, Science Advisory Board.*

[FR Doc. 86-20748 Filed 9-15-86; 8:45 am]

BILLING CODE 5560-50-M







# Grants Report Period

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Tuesday  
September 16, 1986

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## Part III

### Department of Education

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National Center for Research in  
Vocational Education; Grants; Notices



## DEPARTMENT OF EDUCATION

[CFDA 84.051]

**Notice Inviting Applications for Planning Grants for the National Center for Research in Vocational Education for Fiscal Year 1987**

**Purpose:** To assist individuals, public or private agencies, organizations or institutions in developing innovative approaches for expanded activities of the National Center, and to increase the quantity and quality of applications for the National Center.

**Deadline for Transmittal of Applications:** January 2, 1987.

**Applications Available:** September 19, 1986.

**Available Funds Anticipated:** \$100,000.

**Estimated Average Size of Awards:** \$25,000.

**Estimated Number of Awards:** 4.

**Project Period:** 5 months.

**Applicable Regulations:** (a) When published in final form, the Notice of Proposed Priority, Required Activities, and Selection Criteria, which is published in proposed form in this issue of the *Federal Register*. Applicants should prepare their applications based on this proposed notice. If substantive changes are made in the final priority notice, applicants will be given an opportunity to revise or resubmit their applications. (b) The regulations in 34 CFR Part 416, except those in 34 CFR 416.31. (c) The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, and 78.

**For Applications or Information Contact:** Mary G. Lovell, U.S. Department of Education, 400 Maryland Avenue, SW., Room 519 Reporters Building, Washington, DC 20202. Telephone (202) 732-2371.

**Program Authority:** 20 U.S.C. 2402.

**Dated:** August 29, 1986.

**John K. Wu,**

*Acting Assistant Secretary for Vocational and Adult Education.*

[FR Doc. 86-20869 Filed 9-15-86; 8:45 am]

BILLING CODE 4000-01-M

**Office of Vocational and Adult Education**

**Planning Grants for the National Center for Research in Vocational Education**

**AGENCY:** Department of Education.

**ACTION:** Notice of proposed priority, required activities, and selection criteria.

**SUMMARY:** The Secretary proposes a funding priority, required activities, and selection criteria for planning grants for fiscal year 1987. The planning grants will be supported to increase the quality and quantity of applications received for the National Center for Research in Vocational Education.

**DATE:** Comments on this notice must be received on or before October 16, 1986.

**ADDRESS:** Comments should be addressed to Mary Lovell, Project Officer, Program Improvement Systems Branch, Division of Innovation and Development, Office of Vocational and Adult Education, U.S. Department of Education (Room 519 Reporters Building), 400 Maryland Avenue, SW., Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** Mary Lovell, Telephone (202) 732-2371.

**SUPPLEMENTARY INFORMATION:**

**Program Information**

Section 404 of the Carl D. Perkins Vocational Education Act ("Act"), 20 U.S.C. 2404, authorizes the Secretary to designate, on the basis of solicited applications, a National Center for Research in Vocational Education ("National Center") once every five years. The Act redirects and expands the research objectives and activities of the new National Center, which will begin its first full five-year funding cycle under the Act in January of 1988.

**Priority and Required Activities**

**Priority**

In order to assist prospective applicants to develop innovative approaches for implementing the expanded activities of the National Center and in order to increase the number of quality applications for the new National Center, the Secretary proposes to reserve funds to support planning grants under the authority provided in section 401 and 402 of the Act.

**Activities**

Since the planning grants are intended to help applicants prepare applications for the National Center grant, the Secretary proposes to require the following funding condition under this priority. Each recipient of a planning grant either must be eligible for the National Center grant, or must conduct its planning with the participation of a public or private nonprofit university which is prepared to make a substantial financial contribution toward the establishment of the National Center in accordance with 20 U.S.C. 2404(a)(2). Receipt of a planning grant in no way

affects eligibility to submit an application in the subsequent competition for the National Center grant.

**Selection Criteria**

The Secretary proposes to use the following selection criteria, rather than the selection criteria set forth in 34 CFR 416.31, for reviewing the applications for the planning grants. The maximum possible points proposed for each criterion are indicated in parentheses after the heading for each criterion.

(a) *Understanding of the educational settings and issues in vocational education.* (15 Points).

The Secretary reviews each application to determine the extent to which the applicant understands the educational settings and issues in vocational education, including a consideration of—

(1) Knowledge of the strengths and needs of vocational education system—public and private, secondary, postsecondary, and adult;

(2) An understanding of significant trends expected to influence vocational education over the next decade; and

(3) Knowledge of the capabilities of existing organizations that provided research and technical assistance services to vocational education agencies.

(b) *Understanding of the Mission of the National Center.* (15 Points).

The Secretary reviews each application to determine the extent to which the applicant understands the mission of the National Center as required by 20 U.S.C. 2404(a)(2), including—

(1) Conducting applied research and development;

(2) Providing leadership development;

(3) Disseminating the results of research;

(4) Providing information to facilitate national planning;

(5) Providing technical assistance;

(6) Acting as a clearinghouse;

(7) Working with the States in developing methods of planning and evaluating programs; and

(8) Reporting annually to Congress regarding coordination under the Carl D. Perkins Vocational Education Act and the Job Training Partnership Act.

(c) *Organizational ability to conduct planning and design tasks.* (10 points).

The Secretary reviews each application to determine the organizational ability of the applicant to conduct the required planning and design tasks, including—

(1) Successful experience in planning or conducting national activities related



to vocational education research and development;

(2) Relationships that give the applicant access to important groups of clients who can contribute to cooperative planning activities.

(d) *Plan of operation.* (30 Points).

The Secretary reviews each planning grant application to determine the quality of the plan for developing an application for the National Center, including—

(1) The quality of the plan and procedures which will be used to develop the application for the National Center;

(2) The quality of the plan to ensure that mechanisms will be developed for the National Center to work with the public and private sectors; and

(3) The quality of the plan to address potential problems in operating and managing a National Center.

(e) *Quality of key personnel.* (15 Points).

The Secretary reviews each application to determine the quality of the key personnel the applicant plans to use on the planning project, including, as appropriate, the personnel's—

(1) Planning competencies;

(2) Management competencies;

(3) Applied research and development competencies;

(4) Program improvement competencies; and

(5) Knowledge of vocational education and related delivery systems.

(f) *Budget and cost effectiveness.* (5 Points).

The Secretary reviews each application to determine the extent to which—

(1) The budget is adequate to support the project; and

(2) Costs are reasonable in relation to the planned activities and objectives of the project.

(g) *Commitment and capacity.* (5 Points).

The Secretary reviews each application to determine the extent of the applicant's financial commitment to the project, the capacity of the applicant to develop an application for the National Center, and the likelihood that the applicant will apply for the grant to establish the National Center.

(h) *Postsecondary institutions.* (5 Points).

The Secretary gives five (5) points to applications submitted by public and private postsecondary institutions, that are conducting vocational education research, in accordance with section 402 (c) of the Act.

#### Invitation to Comment

Interested persons are invited to

submit comments and recommendations regarding the proposed planning grant priority, required activities, and evaluation criteria. Written comments and recommendations may be sent to the address given at the beginning of this document. All comments received on or before the 30th day after publication of this document will be considered before the Secretary issues the final priority, required activities, and selection criteria. All comments submitted in response to the proposed priority, required activities, and selection criteria will be available for public inspection during and after the comment period in Room 519, Reporters Building 300 7th Street SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

*Program Authority:* 20 U.S.C. 2402.

(Catalog of Federal Domestic Assistance Number 84.051) (National Vocational Education Research Program and the National Center of Research in Vocational Education)

Dated: August 5, 1986.

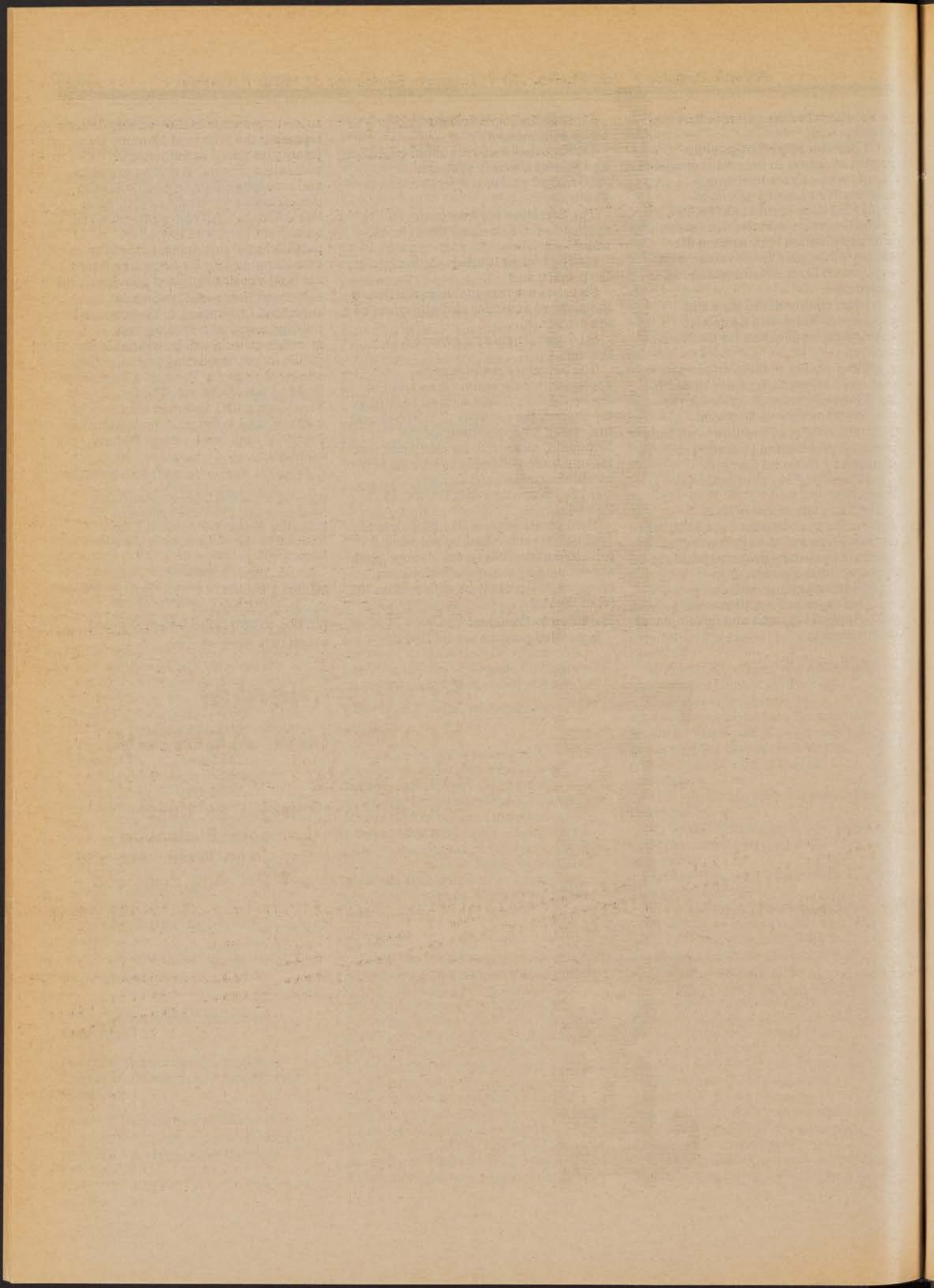
William J. Bennett,

Secretary of Education.

[FR Doc. 86-20871 Filed 9-15-86; 8:45 am]

BILLING CODE 4000-01-M







**Environmental  
Protection Agency**

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**Tuesday  
September 16, 1986**

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**Part IV**

**Environmental  
Protection Agency**

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**40 CFR Part 137**

**Proposed User Charges for Quality  
Control and Performance Evaluation  
Samples Under the Clean Water Act and  
the Safe Drinking Water Act; Proposed  
Rule**



**ENVIRONMENTAL PROTECTION  
AGENCY****40 CFR Part 137**

[FRL 3041-2]

**Proposed User Charges for Quality  
Control and Performance Evaluation  
Samples Under the Clean Water Act  
and The Safe Drinking Water Act****AGENCY:** U.S. Environmental Protection  
Agency (EPA).**ACTION:** Proposed rule.

**SUMMARY:** The EPA is proposing regulations to establish fees for the preparation and distribution of certain water quality control and performance evaluation samples. EPA believes that there is a special benefit provided to users of its quality assurance materials. In such cases, it is appropriate to determine whether cost recovery fees should be charged to users for these products and services. The purpose of this notice is to announce EPA's intent to promulgate a cost recovery rule, and to solicit comments on all aspects of the rule including the rationale underlying the proposal.

The Agency requests comments on the concept of user fees for EPA products and services, for these samples in particular and the proposed fees. The EPA program currently provides samples to Federal, State/local, and private users at no cost to the user. The Agency is particularly interested in receiving comments on the actual effects of shifting operating costs among different levels of government. If EPA in fact does impose a charge for these samples on States, States may in turn use grant funds to pay the fee, thus providing no real benefit. EPA is also interested in comments on the anticipated operating impact on current or developing quality assurance programs or activities.

**DATE:** Comments must be received on or before October 31, 1986.

**ADDRESS:** Written comments should be sent to the Environmental Monitoring Systems Division (RD-680) (cost recovery project), 401 M Street, SW., Washington, DC 20460. The record and comments will be available in the public information reference unit of the EPA library, Room 2904 Mall for public inspection between 9 a.m. and 4 p.m., Monday through Friday (except holidays).

**FOR FURTHER INFORMATION CONTACT:**  
Richard P. Nalesnik, Ph.D.,  
Environmental Monitoring Systems  
Division (RD-680) 401 M Street, SW.,

Washington, DC 20460, telephone (202)  
382-5790 or FTS 382-5790.

**SUPPLEMENTARY INFORMATION:****I. Introduction**

EPA produces certain water samples for quality control (QC) and performance evaluation (PE) in conducting its responsibilities under the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA). Specifically, laboratories are required or encouraged by EPA regulations to conduct routine QC as part of their own ongoing analysis. To be certified as competent or to demonstrate general performance to EPA or a state, laboratories are required or encouraged by regulations to participate in PE testing. See, e.g., 40 CFR 136.3 and Appendices (CWA) and 142.10 (b) (3) & (4) (SDWA). EPA proposes that a new Part 137 be added to Title 40 of the Code of Federal Regulations to impose charges for certain water samples for QC/PE. The charges would be assessed to cover the cost to EPA of preparing and distributing the samples.

EPA has examined whether it is appropriate to impose charges for services provided and products distributed under the Clean Water Act, Safe Drinking Water Act, Resource Conservation and Recovery Act, Toxic Substance Control Act, and Comprehensive Environmental Response, Compensation and Liability Act and concluded that user charges are generally appropriate. However, this notice proposes that charges be imposed only for water samples prepared by EPA to implement EPA's Clean Water Act Program and Safe Drinking Water Act Program. EPA may propose user charges for services under these other acts at a later date.

**II. Statutory Authority for User Charges**

Under Title V of the Independent Offices Appropriation Act (IOAA) of 1952, 31 U.S.C. 9701 (formerly 31 U.S.C. 483a), a Federal agency may charge for the services it provides when such services confer a special benefit upon an identifiable recipient. The head of each agency is authorized to prescribe regulations establishing charges for such services. In addition, both the CWA and the SDWA provide statutory authority for general rules as necessary to implement the laws (33 U.S.C. 1251 et seq. CWA; 42 U.S.C. 300j-9 SDWA).

**III. Proposed User Charges**

**A. Program cost.** The cost to EPA for preparing and distributing water QC and PE samples to using entities is estimated to be \$1.0 million in fiscal year 1987. This cost includes both direct costs such

as salaries and equipment, and a proportionate share of indirect costs, management and supervisory costs. EPA has estimated that the minimum cost to produce and distribute a sample to a user is \$15. A detailed description of these costs and how they were calculated is presented in background documents in the record (at the above address).

**B. Computation and collection of user charges.** In this program, EPA is attempting to generate, through user charges, a sum equal to its program costs. EPA is proposing a minimum charge of \$15 per sample distributed. A higher fee will be charged for samples requiring more expensive materials. A detailed price list and description of samples is available as part of the record and will be provided to users ordering such materials. Charges will be assessed to all users. Based on the same level of services as in the past, these user charges would be expected to generate about \$1.0 million annually.

EPA proposes to require an order and a check in payment at the time the request for samples is received. If a requester fails to include payment with the order, EPA would not ship the samples.

**IV. Economic Impact and Regulatory Analysis**

The Agency currently recommends use of QC samples once per quarter for those analytes requiring monitoring activities. In addition, active participation in at least one of the semi-annual PE studies per year is required to maintain certification status. Compared to the overall monitoring requirements and associated analytical costs for laboratory analyses to show on-going compliance with the Clean Water Act and the Safe Drinking Water Act, the estimated annual user charges of approximately \$1,000 for these QC/PE samples is not believed to be a major cost to any user. Therefore, the Administrator has determined that this proposed rule does not significantly impact a substantial number of small entities. Thus, EPA need not prepare a regulatory flexibility analysis under the Regulatory Flexibility Act, Pub. L. 96-354.

The Administrator has also determined that this proposed rule is not a "major rule" under Executive Order 12291 because it will not:

- (1) Have an annual effect on the economy of \$100 million or more;
- (2) Impose a major increase in costs or prices for consumers; individual industries; Federal, State, or local



government agencies; or geographic regions; or

(3) Result in significant adverse effects of competition, employment investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The fee will have a total national impact of approximately \$1.0 million; the cost to users is low and is not a major increase in costs or prices for industry or agencies. Because this rule is not a major rule, a regulatory impact analysis is not required.

The Paperwork Reduction Act seeks to minimize the reporting and recordkeeping burden on the regulated community. This rule would impose no reporting or recordkeeping requirements, and therefore the Paperwork Reduction Act is inapplicable. This rule has been submitted to OMB for review.

#### V. List of Subjects in 40 CFR Part 137

Administrative practice and procedure, User fees, Water quality, Drinking water, Quality assurance, Quality control and performance evaluation, Environmental monitoring, and Analytical methods.

Dated: September 7, 1986.

Approved:  
Lee M. Thomas,  
Administrator.

It is, therefore, proposed to amend Title 40 of the Code of Federal Regulations by adding a new Part 137 as set forth below.

#### PART 137—FEES FOR QUALITY CONTROL AND PERFORMANCE EVALUATION SAMPLES

Sec.

137.1 Applicability.

137.2 Definition.

137.3 User charges.

137.4 Payment procedures.

Authority: Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 9701); Clean Water Act 33 U.S.C. 1251 et seq.; Safe Drinking Water Act 42 U.S.C. 300-j-9.

##### § 137.1 Applicability.

The provisions of this part are applicable to all persons supporting the Agency's activities and requirements under the Clean Water Act and Safe Drinking Water Act and requesting water quality control and performance evaluation samples from the U.S. EPA (Environmental Monitoring and Support Laboratory, Cincinnati, OH).

##### § 137.2 Definition.

"Quality control and performance evaluation samples" mean qualitatively and quantitatively defined natural or synthetic samples designed specifically

for inter- and intralaboratory performance evaluation or quality control checks on calibration, instrumentation, or technique.

##### § 137.3 User charges.

(a) A minimum charge of fifteen dollars (\$15) per sample shall be charged to all persons ordering quality control and performance evaluation samples. The charge is higher for samples requiring more expensive materials.

(b) The charges imposed by this section are published in EPA's Price List of available products. This price list is available from the Environmental Monitoring and Support Laboratory, 26 West St. Clair Street, Cincinnati, OH 45268.

##### § 137.4 Payment Procedures.

The requester shall submit an order and check in payment when submitting the request for water quality control and performance evaluation samples. Payment shall be made in the form of a check or money order payable to the U.S. Environmental Protection Agency, and mailed with the order, to EPA Cincinnati Accounting Operations, P.O. Box 371099M, Pittsburgh, PA 15251. If EPA does not receive full payment with the order, samples will not be shipped.

[FR Doc. 86-20862 Filed 9-15-86; 8:45 am]

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